



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-82,070-01

EX PARTE DUSTIN MICHAEL APLAND, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 42,377-B-H-1 IN THE 124TH DISTRICT COURT
GREGG COUNTY**

KEASLER, J., filed a dissenting opinion, in which KELLER, P.J., and HERVEY, J., joined.

DISSENTING OPINION

For the reasons stated in my concurring opinion in *Ex parte Knight*,¹ I would deny Dustin Apland's application for a writ of habeas corpus. In *Ex parte Townsend*, this Court held that an applicant is unable to attack a cumulation order for the first time in a post-conviction habeas corpus proceeding.² By expressly waiving his right to appeal, Apland not only waived his right to a direct appeal, but waived his ability to seek habeas relief based on

¹ 401 S.W.3d 60, 67 (Tex. Crim. App. 2013) (Keasler, J., concurring).

² 137 S.W.3d 79, 81 (Tex. Crim. App. 2004).

those claims that could have been asserted on direct appeal. I would accordingly deny the application.

FILED: December 10, 2014

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