



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

No. PD-0748-14

BEULAH JOHNSON, Appellant

v.

THE STATE OF TEXAS

**ON STATE'S PETITION FOR DISCRETIONARY REVIEW
FROM THE NINTH COURT OF APPEALS
JEFFERSON COUNTY**

Per curiam.

O P I N I O N

Appellant was convicted of misdemeanor theft and sentenced to 180 days in jail. The court of appeals reversed, holding that the prosecution was barred by the statute of limitations. *Johnson v. State*, No. 09-13-00041-CR (Tex. App.–Beaumont, May 7, 2014) (not designated for publication). The State petitioned this Court for discretionary review.

When the Court of Appeals issued its opinion in this case, it did so without the benefit of this Court's recent opinion in *Ex parte Heilman*, ___ S.W.3d ___; No. PD-1591-13 (Tex. Crim App. March 18, 2015). Therefore, we vacate the judgment of the Court of Appeals and

remand for that court to consider the effect of *Heilman*, if any, on its reasoning and analysis in this case.

Delivered: April 29, 2015

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