



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. PD-1039-14

JOSE GUADALUPE RODRIGUEZ ELIZONDO, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE THIRTEENTH COURT OF APPEALS
HIDALGO COUNTY**

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

DISSENTING OPINION

I agree with most of what is in the majority opinion and would join it but for its ultimate disposition of the case. I would remand the case for the court of appeals to conduct the harm analysis.

FILED: April 6, 2016
PUBLISH