



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

**NO. WR-82,491-01**

**EX PARTE DEREK ELMORE, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR07538  
IN THE 220TH DISTRICT COURT FROM HAMILTON COUNTY**

**YEARY, J., filed a dissenting opinion.**

**DISSENTING OPINION**

I dissent for the reasons stated in my dissenting opinion in *Ex parte Fournier*, 473 S.W.3d 789 (Tex. Crim. App. 2015).

FILED: February 24, 2016  
DO NOT PUBLISH