



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

NO. WR-83,978-01

EX PARTE CHARLES ANDREW CAPPS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 13-02-01707-CR(1) IN THE 9TH DISTRICT COURT
FROM MONTGOMERY 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 10, 2016
DO NOT PUBLISH