



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

**NO. WR-88,082-01**

**EX PARTE SERGIO RAFAEL BUSTEMANTE, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1311509-A IN THE 174TH DISTRICT COURT  
FROM HARRIS COUNTY**

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

## **DISSENTING OPINION**

I dissent for the reasons stated in my dissenting opinions in *Ex parte Fournier*, 473 S.W.3d 789, 800–805 (Tex. Crim. App. 2015) (Yeary, J., dissenting) and *Ex parte Chavez*, No. WR-87,785-01 (Tex. Crim. App. Feb. 28, 2018) (Yeary, J., dissenting).

DELIVERED: March 7, 2018  
DO NOT PUBLISH