



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

NO. PD-0265-18

THE STATE OF TEXAS

v.

MARC DAVENPORT, Appellee

**ON APPELLEE'S PETITION FOR DISCRETIONARY REVIEW
FROM THE NINTH COURT OF APPEALS
MONTGOMERY COUNTY**

YEARY, J., filed a dissenting opinion.

DISSENTING OPINION

Today, the Court reverses the court of appeals because a majority of this Court held Section 551.143 of the Texas Government Code—the statute under which Appellee was indicted—to be facially unconstitutional in *State v. Doyal*, ___ S.W.3d ___, No. PD-0254-18, 2019 WL 944022 (Tex. Crim. App. Feb. 27, 2019). TEX. GOV'T CODE § 551.143. I respectfully dissent to the Court's opinion for the reasons stated in my dissenting opinion in *Doyal*. 2019 WL 944042, at *22–30.

FILED:
DO NOT PUBLISH

June 19, 2019