



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

NO. WR-25,282-29

EX PARTE MICHAEL WAYNE BOHANNAN, Applicant

**ON APPLICANT'S APPLICATION FOR A WRIT OF HABEAS CORPUS
IN CAUSE NO. 12-10-10953(2) FROM THE 435TH DISTRICT COURT
MONTGOMERY COUNTY**

YEARY, J., filed a dissenting opinion in which SLAUGHTER, J., joined.

DISSENTING OPINION

Today—as it has done before, *See Ex parte Smith*, 584 S.W.3d 436 (Tex. Crim. App. 2019) (Yeary, J., dissenting)—the Court grants relief in a post-conviction application for writ of habeas corpus in the form of deleting an assessment of attorney's fees from the judgment of conviction. As in *Smith*, Applicant here claims that his appellate attorney was ineffective for failing to challenge this assessment. The more appropriate form of relief would be to grant Applicant a chance to raise this issue in a belated appeal, the typical form of relief in a post-conviction claim of ineffectiveness of appellate counsel for failing to bring a meritorious claim on appeal. For the reasons explained in my dissenting opinion in *Smith*, I again dissent.

FILED:
DO NOT PUBLISH

October 7, 2020