



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

NO. PD-1731-12

DIMAS MORENO, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT’S PETITION FOR DISCRETIONARY REVIEW
FROM THE SEVENTH COURT OF APPEALS
LUBBOCK COUNTY**

COCHRAN, J., filed a concurring opinion.

I join the majority opinion. I write separately simply to call a duck a duck. This “unknowing participant” guy is appellant’s “corner boy”—his retail crack-cocaine seller. He is appellant’s agent. Buyers, like the C.I., come up to appellant’s agent and ask to buy cocaine. The agent says something like, “Wait a second, I’ll be right back,” and he goes trotting off to appellant’s house. The officers watch him all the way there. Then the agent comes out, trots back to the C.I. and “Voila”—he has crack cocaine in his hot little hand. The officers watch him all the way back. Money from the C.I. and crack from the agent are

exchanged. Where do you suppose that cocaine came from? The magistrate made the reasonable inference that it came from appellant's house. I make that inference too, don't you?

Filed: December 11, 2013

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