



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

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**NO. WR-78,545-01**

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**EX PARTE DAVID MARK TEMPLE, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
FROM HARRIS COUNTY**

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**Johnson, J., filed a concurring statement.**

**CONCURRING STATEMENT**

I agree that this Court properly denies leave to file this application, but I note that the appropriate remedy for claims such as those presented here is to file, not an application for a writ of habeas corpus under this Court's original jurisdiction, but an application pursuant to Texas Code of Criminal Procedure, art. 11.07: "After conviction the procedure outlined in [Article 11.07] shall be exclusive and any other proceeding shall be void and of no force and effect in discharging the prisoner." *Id.* at § 5. Applicant is entitled to seek his desired relief through such an application and may do so if he so chooses.

Filed: October 31, 2012  
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