

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

**NO. 03-04-00660-CV**

**Home Interiors & Gifts, Inc., Appellant**

**v.**

**Carole Keeton Strayhorn, Comptroller of Public Accounts of the State of Texas, and Greg Abbott, Attorney General of the State of Texas, Appellees**

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 345TH JUDICIAL DISTRICT  
NO. GN303185, HONORABLE DARLENE BYRNE, JUDGE PRESIDING**

**CONCURRING OPINION**

I join in the majority's opinion with the exception of its expressed dissatisfaction with the United States Supreme Court's current internal consistency test.

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Bob Pemberton, Justice

Before Chief Justice Law, Justices B. A. Smith and Pemberton

Filed: July 28, 2005