

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-05-00814-CR
NO. 03-05-00815-CR
NO. 03-05-00816-CR**

The State of Texas, Appellant

v.

James Walter Ellis, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 331ST JUDICIAL DISTRICT
NOS. D-1-DC-05-904151, D-1-DC-05-904157 & D-1-DC-05-904160,
HONORABLE WAYNE PATRICK PRIEST, JUDGE PRESIDING**

MEMORANDUM OPINION

The State appeals the district court's order quashing those portions of the indictments against James Walter Ellis accusing him of conspiring to violate the election code. *See* Tex. Pen. Code Ann. § 15.02 (West 2003); Tex. Elec. Code Ann. §§ 253.003, .094, .104 (West 2003). These causes are companions to those before us in *State v. DeLay*, Nos. 03-05-00817-CR and 03-05-00818-CR, decided this day, and raise the same issue: whether the penal code's conspiracy provision applied to the election code at the time of the alleged criminal conduct. For the reasons stated in *DeLay*, we hold that it did not.

The district court's order is affirmed.

Bea Ann Smith, Justice

Before Justices B. A. Smith, Puryear and Waldrop

Affirmed

Filed: April 19, 2006

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