



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

NOS. PD-0665-15 & PD-0666-15

GREGORIO GUERRERO, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE FIRST COURT OF APPEALS
HARRIS COUNTY**

NEWELL, J. filed a concurring opinion in which RICHARDSON, J. joined.

I join this Court's order reforming the judgment because the court of appeals did not purport to apply the retroactivity discussion in *Salinas v. State* in this case. Nevertheless, this case provides an example of how applying that retroactivity dicta results in the unequal treatment of defendants on direct appeal. I would grant review in a case in which the issue is properly joined to address this inequality. *See Horton v. State*, PD-0468-17, (Tex. Crim. App. 2017) (Newell, J., dissenting).

Filed: October 4, 2017

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