IN THE COURT OF CRIMINAL APPEALS OF TEXAS

AP-75,363

MAX ALEXANDER SOFFAR, Appellant

v.

THE STATE OF TEXAS

ON DIRECT APPEAL
FROM CAUSE NO. 319724 IN THE 232ND DISTRICT COURT
HARRIS COUNTY

KEASLER, J., filed a concurring opinion in which HERVEY, J., joined.

CONCURRING OPINION

I join the Court's opinion with the exception of point of error twenty-seven. Consistent with my dissenting opinion to the Court's decision to improvidently grant rehearing in *Thompson v. State*, I would hold that there was no error under *Maine v.*

Moulton.[1] I further urge the majority of the Court to reconsider its understanding of this case and other Supreme Court precedent.

DATE DELIVERED: November 18, 2009
DO NOT PUBLISH

[1] 93 S.W.3d 269, 276 (Tex. Crim. App. 2003) (Keasler, J., dissenting on reh'g); *see also Soffar*, 368 F.3d at 487 (Garza J., dissenting) ("As Soffar made no incriminating statements regarding his murder charge during the interrogation [by Bockel], *Moulton*, by its own terms, is inapplicable).