

SUPREME COURT OF THE UNITED STATES

No. 92-5653

DORSIE LEE JOHNSON, JR., PETITIONER v. TEXAS
ON WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS
OF TEXAS
[June 24, 1993]

JUSTICE THOMAS, concurring.

Although *Penry v. Lynaugh*, 492 U. S. 302 (1989), “remains the law,” *ante*, at 18, in the sense that it has not been expressly overruled, I adhere to my view that it was wrongly decided. *Graham v. Collins*, 506 U. S. ___, ___ (1993) (THOMAS, J., concurring). I also continue to believe it has been substantially narrowed by later opinions. *Id.*, at ___, n. 10 (slip op., at 20, n. 10). Because petitioner’s youth had mitigating relevance to the second special issue, however, this case is readily distinguishable from *Penry* and does not compel its reconsideration. I therefore join the Court’s opinion.