



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

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**NO. PD-0052-20**

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**JUSTIN ALLEN LEE, Appellant**

**v.**

**THE STATE OF TEXAS**

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**ON APPELLANT’S PETITION FOR DISCRETIONARY REVIEW  
FROM THE THIRD COURT OF APPEALS  
MILLS COUNTY**

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*Per curiam.*

**OPINION**

Appellant was convicted of two counts of Abandoning or Endangering a Child under Texas Penal Code § 22.041. On appeal, he challenged the sufficiency of the evidence. The Court of Appeals held that sufficient evidence supported Appellant’s convictions for “endangering a child” pursuant to Penal Code § 22.041(c). *Lee v. State*, No.

03-18-00571-CR, 2019 Tex. App. LEXIS 10810 (Tex. App.—Austin December 13, 2019) (not designated for publication).

Appellant has filed a petition for discretionary review of this decision, arguing that the Court of Appeals erred to evaluate whether the evidence was sufficient to prove child endangerment when Appellant was convicted of child abandonment. We agree.

The indictment charged Appellant with second-degree child abandonment pursuant to Texas Penal Code § 22.041, subsections (b) and (e). The Court of Appeals erroneously assessed the evidence pursuant to § 22.041, subsection (c).

Accordingly, we grant Appellant's petition for discretionary review, vacate the judgment of the Court of Appeals, and remand this case to the Court of Appeals for proceedings consistent with this opinion.

Date Delivered: April 1, 2020

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