



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

NO. PD-0258-21

DANITA CAROL THETFORD, Appellant

V.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE SECOND COURT OF APPEALS
TARRANT COUNTY**

Per curiam.

OPINION

Appellant was convicted of attempted murder and injury to a child. She was sentenced to five years in prison for injury to a child and placed on community supervision for 10 years for attempted murder.

Appellant did not argue on appeal that the evidence was insufficient to convict her of

attempted murder. The Court of Appeals noted that the State referred to this oversight as “interesting,” given this Court’s opinion in *Rodriguez v. State*, 454 S.W.3d 503 (Tex. Crim. App. 2014). Nevertheless, the appellate court declined to address the issue as unassigned error.

We grant ground one of Appellant’s petition for discretionary review and remand this case to the Court of Appeals to address the sufficiency of the evidence to prove attempted murder under *Rodriguez*.

Appellant’s second and third grounds are refused.

DATE DELIVERED: June 30, 2021

DO NOT PUBLISH