



In the Court of Criminal Appeals of Texas

NO. PD-0289-20

CHARLES ROBERT RANSIER,

Appellant

v.

THE STATE OF TEXAS

On State's Petition for Discretionary Review
From the Fourteenth Court of Appeals
Comal County

YEARY, J., filed a dissenting opinion.

I dissent for the reasons stated in my dissenting opinion *Chavez v. State*, 666 S.W.3d 772, 792 (Tex. Crim. App. 2023) (Yeary, J., dissenting) (“So long as the potential for doubt with respect to the elevating element is not an irrational one based upon all the evidence

that bears on the question, the jury’s potential response may well provide a basis for the trial court to conclude that the defendant could rationally be found ‘guilty only’ of the lesser-included offense. If so, then, upon request for the instruction by either party, the lesser-included offense has become ‘the law applicable to the case’ for purposes of instructing the jury under the dictates of Article 36.14.”).

FILED:
PUBLISH

June 28, 2023