



**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**

KEEL, J., filed a concurring opinion, in which SLAUGHTER, J., joined.

CONCURRING OPINION

I agree with the majority; Appellant was not entitled to an instruction on attempted tampering by concealment because, while there was testimony both that he concealed the syringe and tried to conceal it, there was no evidence that he only tried to conceal it. And I appreciate and endorse the majority's narrowing of *Bullock v. State*, 509 S.W.3d 921 (Tex. Crim. App. 2016). But our caselaw on requiring lesser-included-offense instructions on defense request is still muddled, and I would like to clear it up more

definitively. *See Chavez v. State*, 666 S.W.3d 772, 782 (Tex. Crim. App. 2022) (Keel, J., concurring). Maybe someday we will. In the meantime, I join the majority's step in that direction.

Delivered: June 28, 2023

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