



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0768-12

CYNTHIA ANN HUDSON, Appellant

v.

THE STATE OF TEXAS

ON STATE'S PETITION FOR DISCRETIONARY REVIEW
FROM THE SIXTH COURT OF APPEALS
CASS COUNTY

KELLER, P.J., delivered the opinion of the Court in which PRICE, JOHNSON, KEASLER, HERVEY, COCHRAN, and ALCALÁ, JJ., joined. WOMACK, J., joined except footnote 16. MEYERS, J., did not participate.

In the court of appeals, appellant complained that the trial judge erred in failing to submit to the jury a lesser-included offense. In sustaining that complaint, the court of appeals conducted its error analysis without considering possible intermediate lesser-included offenses that the evidence might have supported, and it conducted its harm analysis without considering the lesser-included offenses that were actually submitted to the jury. We shall reverse its judgment and remand for further proceedings.