



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0799-12

JAY PAUL YZAGUIRRE, Appellant

v.

THE STATE OF TEXAS

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

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

In this aggravated robbery case, the abstract portion of the jury charge included an instruction on the law of parties, but the application portion did not. Further, appellant was denied a lesser-included-offense instruction on robbery. We must determine whether it is proper, in determining whether the lesser-offense instruction should have been given, to take into account the omission of the law of parties in the application portion of the charge.

I. BACKGROUND

A. Trial