

NO. 07-04-0490-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL D  
MARCH 29, 2006

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RHONDA TULANE SMITH,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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FROM THE 320<sup>TH</sup> DISTRICT COURT OF POTTER COUNTY;  
NO. 49,124-D; HON. DON EMERSON, PRESIDING

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***Memorandum Opinion***

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Before QUINN, C.J., and REAVIS and CAMPBELL, JJ.

Appellant, Rhonda Tulane Smith, was convicted upon her open plea of guilty to the offense of delivering a controlled substance to a child. The conviction was based on her act of ingesting methamphetamine while pregnant, and her unborn child was the purported recipient of the drug as contemplated in the charge. The issues raised by appellant are the same as those raised by Tracy Yolanda Ward in our opinion issued this same date in cause number 07-04-0457-CR. Further, the opinion issued in that case controls the

outcome here. So, we incorporate that opinion into this one and reverse the judgment of the trial court.

Accordingly, for the reasons explained in our opinion rendered in cause number 07-04-0457-CR, we reverse the trial court's judgment and render judgment acquitting appellant of the crime as charged in the indictment.

Brian Quinn  
Chief Justice

Do not publish.