



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-15-00099-CR

PETRIT DIKO

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 211TH DISTRICT COURT OF DENTON COUNTY
TRIAL COURT NO. F-2012-0431-C

DISSENTING OPINION

I cannot join the conscientious majority because in order to convict a defendant of a criminal offense, the jury must unanimously find the defendant guilty of the same offense beyond a reasonable doubt. The majority appears to agree with the State's jury argument stating that unanimity is not required. I must

therefore respectfully dissent for the reasons I explained in my dissent to the majority in *Bundy v. State*.¹

/s/ Lee Ann Dauphinot
LEE ANN DAUPHINOT
JUSTICE

PUBLISH

DELIVERED: April 14, 2016

¹280 S.W.3d 425, 436–40 (Tex. App.—Fort Worth 2009, pet. ref'd) (Dauphinot, J., dissenting).