

GRANTED ISSUES

NOTE: THE WORDING OF THE ISSUES IS TAKEN VERBATIM FROM THE PARTIES' PETITIONS FOR DISCRETIONARY REVIEW.

ISSUES GRANTED APRIL 28, 2021

21-0026 HOLDER, CHRISTOPHER JAMES COLLIN CAPITAL MURDER

1. If the error at trial was in admitting evidence under a non-constitutional rule—TEX. CODE. CRIM. PROC. art. 38.23—shouldn't harm be assessed under the non-constitutional harm standard in TEX. R. APP. P. 44.2(b)?
2. If the non-constitutional "substantial rights" standard applies, was the error harmless?

ALPHABETICAL LISTING WITHOUT ISSUES

<u>PDR NO.</u>	<u>NAME</u>	<u>DATE GRANTED</u>
20-0166	ALCOSER, DANNY WAYNE	05/06/20
20-0848	ANASTASSOV, STOYAN K.	01/13/21
20-0279	ANDERSON, ANDREW	09/16/20
21-0038/39	AVALOS, JOHNNY JOE	03/31/21
20-0653	BAHENA, RAUL	11/18/20
21-0027	BALDWIN, JOHN WESLEY	03/31/21
20-0928	BALTIMORE, IJAH IWASEY	01/13/21
19-1123	BARTON, CHARLES	11/20/19
18-1383	BELL, KENDALL	03/27/19
19-1225	BELL, ORLANDO	03/11/20
20-0309	BIGGERS, DARREN LAMONT	09/16/20
21-0020	BRENT, LAKESIA KEYON	03/17/21
20-0703	BROOKS, JESSIE LEE, JR	11/11/20
20-0034	BROWN, SULIA LAWRENCE	04/01/20
19-1279	CASTILLO-RAMIREZ, RAMIRO	03/11/20
19-0424	CHAMBERS, LARRY THOMAS, JR.	10/02/19
20-0712	DIAZ, NELSON GARCIA	10/21/20
20-0556	DO, PHI VAN	09/30/20
18-0831	DUNHAM, MARC WAKEFIELD	12/05/18
20-0325	EDWARD, DUKE	09/16/20
20-1092	EDWARDS, MAURICE	04/21/21
21-0025	GARCIA, DANIEL	04/21/21
21-0183	GARCIA, LEONARDO FABIO	04/21/21
19-1233	GEORGE, ANTHONY RASHAD	02/26/20
20-0724/25	GOMEZ, JOSEPH	09/16/20
20-1182	GREEN, TRENTON KYLE	02/24/21
19-0636	HAMMACK, MICHAEL ANTHONY	11/06/19
19-0799	HARDIN, SHEILA JO	10/02/19
20-0790	HERNANDEZ, ROBERTO	12/16/20
19-0853	HERRON, ROBERT	10/09/19
19-1101	HERVEY, WILLIE MAURICE, JR.	03/11/20
21-0026	HOLDER, CHRISTOPHER JAMES	04/28/21
20-0936	IGBOJI, JEREL CHINEDU	11/25/20
20-1000	INTHALANGSY, SANTHY	01/13/21
20-0561	JOHNSON, JACOB MATTHEW	09/16/20
20-0553	JOHNSON, JAMAILE BURNETT	10/21/20
20-1211	JOHNSON, NATHANIEL ALLEN	03/31/21
18-0552	JONES, JORDAN BARTLETT	07/25/18
20-0617	KAHOOKELE, EDMUND KOKO	10/28/20
20-1003	KING, JUSTIN SHANE	02/03/21
19-1124	LANG, TERRI REGINA	03/11/20
20-1124	LAWS, JACE MARTIN	01/27/21
20-1213	LENNOX, BOBBY CARL	02/24/21
19-0075	LERMA, REYNALDO	12/11/19
18-1291	LOPEZ, MARTIN RIVERA	03/20/19
19-1319	LOZANO, CARLOS	05/06/20
19-0244/45	LUJAN, ERLINDA	06/05/19
20-1089	LYNCH, CHARLES	02/03/21
20-1053	MACEDO, JUAN	02/03/21
20-0753	MACIEL, BETHANY GRACE	10/21/20
20-1234	MARTELL, MARIO ERNESTO	03/10/21
20-1034	MARTIN, TERRY	01/27/21
20-0881	MASON, CRYSTAL	03/31/21
19-0810	MATA, RICARDO	09/18/19
19-0984	McGUIRE, SEAN MICHAEL	12/11/19
20-0243	MELGAR, SANDRA JEAN	08/19/20

20-1236-40	MIDDLETON, BRIAN RAY	04/14/21
19-1079	MOLINA, WILBER ULISES	05/06/20
19-0202	MONTELONGO, ALBERTO	05/08/19
19-0963	NICHOLSON, HARRY DONALD, JR.	12/18/19
19-0478	NUNCIO, LEONARDO	08/21/19
20-0845	OLIVER, ROY	01/13/21
20-0310	PERKINS, MICKEY RAY	08/19/20
20-0287	PHAM, HAPPY TRAN	09/16/20
19-1053	PUGH, ALLEN BRAY	02/05/20
20-0546	PUGH, KEDREEN MARQUE	10/21/20
20-0788	RAMOS, ENRIQUE ANGEL	10/21/20
20-0289	RANSIER, CHARLES ROBERT	08/19/20
20-0545	RATLIFF, KEVIN	01/27/21
19-1096	RION, CHRISTOPHER	01/15/20
19-1130	RODRIGUEZ, MARVIN	11/04/20
19-0242	ROGERS, WILLIAM	06/26/19
21-0035	ROLAND, JERROD P	04/21/21
20-0234	RUBIO, CHRISTOPHER MICHAEL	07/01/20
20-0862	RUFFINS, ANTHONY	01/13/21
20-0593	SANCHEZ, JOSE CESAR	10/21/20
20-1039	SANCHEZ, OSCAR MINJARE	02/03/21
19-0469	SANDERS, NATHAN	11/20/19
20-0395	SELECTMAN, NICOLE PATRICE	11/25/20
20-108/09	SHUMWAY, BRADLEY JACOBS	07/01/20
19-1248	SIMMS, CHRISTOPHER	04/01/20
20-0245	SPIELBAUER, JEREMY DAVID	06/17/20
20-0695-97	SPELLMAN, DAVID EARL, JR.	12/09/20
20-1032/33	STEPHENS, ZENA COLLINS	02/10/21
20-1035	STREDIC, VINCENT DEPAUL	02/24/21
19-0676	TILGHMAN, MICHAEL JOSEPH	09/11/19
20-262/63	TURLEY, ANDREW JAMES	06/17/20
19-0574	VALADEZ, ADRIAN	02/03/21
20-0488	VILLAFRANCO, JESSE, JR.	09/16/20
20-0048	VILLARREAL, DAVID ASA	06/17/20
20-0157	WADE, ROBERT ERIC, III	04/22/20
20-0236	WEST, TIMOTHY	06/24/20
20-0241	WEXLER, SUZANNE ELIZABETH	06/17/20
20-0504	WILLIAMS, APRIL LOREACE	09/23/20
19-0477	WILLIAMS, ISSAC	08/21/19
21-0034	WITCHER, CORNELL	03/10/21

Did the Court of Appeals err in the analysis for error considering the evidence in the record of the case?

19-0244
19-0245
STATE'S

LUJAN, ERLINDA

EL PASO

06/05/19

ENGAGING IN ORGANIZED
CRIMINAL ACTIVITY (2);
TAMPERING W/HUMAN CORPSE
TAMPERING W/EVIDENCE

The Eighth Court erred in upholding the trial court's ruling that the second, in-car session of Lujan's interview was not a continuation of the first, interview-room session, because: (1) under the *Bible* factors, the second-session interview was a continuation of the first; and (2) requiring police to re-*Mirandize* a suspect if the police engage in ambiguous conduct that *could be* construed as terminating, or setting a temporal limitation on, the interrogation (and attendant *Miranda* rights) undermines the ease and clarity of *Miranda's* application by requiring officers to continually second-guess whether they made any such potentially ambiguous statements.

19-0424
APPELLANT'S

CHAMBERS, LARRY THOMAS, JR.

WILLIAMSON

10/02/19

POSSESSION OF
CONTROLLED SUBSTANCE

Is Appellant entitled to an instruction pursuant to Article 38.23 of the Code of Criminal Procedure when there is a factual dispute regarding the officer's credibility and a conflict between his testimony and his dashcam video?

19-0469
APPELLANT'S

SANDERS, NATHAN

LUBBOCK

11/20/19

HARASSMENT

Texas Penal Code section 42.07(a)(7) is a content-based restriction that restricts a real and substantial amount of speech as protected by the First Amendment; speech which invades privacy interests of the listener has never been held by the United States Supreme Court to be a category of unprotected speech.

19-0477
STATE'S

WILLIAMS, ISSAC

BEXAR

08/21/19

CONTINUOUS TRAFFICKING
OF PERSONS

1. Did Williams preserve his request for the lesser-included offense of human trafficking when he failed to identify any evidence supporting this request and denied committing any offense?
2. Did the court of appeals err by concluding that the lesser-included offense of human trafficking was a rational alternative to continuous human trafficking?
3. The court of appeals erred by automatically reversing Williams' conviction rather than applying the standard required by Almanza.

19-0478
APPELLANT'S

NUNCIO, LEONARDO

WEBB

08/21/19

HARASSMENT

1. Justice Rodriguez's dissent contains the same criticisms of the challenged statute that were addressed in 1983 by the U.S. Fifth Circuit Court of Appeals in *Kramer v. Price*. *Kramer v. Price* struck down the previous version of Penal Code § 42.07. The defects described in Justice Rodriguez's dissent and in *Kramer v. Price* have not been resolved.
2. The Fourth Court of Appeals' decision, and the text of the challenged statute depart from accepted social norms and common understandings of the meaning of the word "harassment." The Fourth Court's majority opinion, and the challenged statute, risk the criminalization of conduct that would not generally be considered 'criminal' by people of ordinary intelligence. Further, because of this disconnect between common sense and the text of the statute, the challenged statute chills emotional speech, hyperbolic speech, metaphor, sharply critical speech and sexual overtures; TRAP § 66.3 (f).
3. Texas Courts' attempts to construe § 42.07 have led to baffling decisions that show no discernible logic or pattern that can be followed. The resulting authorities constitute a case by case evaluation of whether the subject speech makes reference to an "ultimate sex act." As a result of this lack of clear guidance, the statute is overly broad and chills too much speech.
4. The Court of Appeals should settle this important question because the statute unconstitutionally delegates prosecutorial decision-making and because the potential chilling effect is broad, TRAP § 66.3(b).

19-0574 VALADEZ, ADRIAN 02/03/21
APPELLANT'S McLENNAN POSSESSION OF CONTROLLED
SUBSTANCE

1. Whether prior possession and use of contraband may be admitted to prove knowledge of contraband and intent to possess contraband under Rules 403 and 404(b) of the Texas Rules of Evidence.
2. Whether prior possession and use of contraband may be admitted under Rules 403 and 404(b) of the Texas Rules of Evidence to rebut the defensive theory that the defendant lacked knowledge of the presence of contraband.
3. Whether prior possession and use of contraband may be admitted under Rules 403 and 404(b) of the Texas Rules of Evidence to prove the identity of the person who possessed the contraband.
4. Whether prior possession and use of contraband may be admitted under the doctrine of chances.

19-0636 HAMMACK, MICHAEL ANTHONY 11/06/19
APPELLANT'S HUNT INTERFERENCE W/CHILD
CUSTODY

The Court of Appeals erred by finding that the evidence was legally sufficient to find Appellant guilty of interfering with child custody because the State failed to prove beyond a reasonable doubt that Appellant knowingly violated the express terms of an order when Appellant was never served the order, never saw or read the order, and never had the terms of the order explained to him in either open court or in any other manner.

19-0676 TILGHMAN, MICHAEL JOSEPH 09/11/19
STATE'S HAYS POSSESSION OF CONTROLLED
SUBSTANCE W/INTENT TO
DELIVER

The Court of Appeals erred in holding that police could not lawfully enter a hotel room to help a hotel manager evict a guest engaging in criminal activity.

19-0799 HARDIN, SHEILA JO 10/02/19
STATE'S NUECES FRAUDULENT POSSESSION OF
IDENTIFYING INFORMATION,
FORGERY OF A GOVERNMENT
INSTRUMENT

The Thirteenth Court of Appeals erred in concluding that the officer who stopped Hardin's vehicle lacked reasonable suspicion to stop her for failing to maintain a single lane by swerving into another lane, whether or not this movement could be done safely.

19-0810 MATA, RICARDO 09/18/19
STATE'S HIDALGO AGGRAVATED KIDNAPPING
TRAFFICKING OF PERSONS
SEXUAL ASSAULT

Do questions that would objectively aid a search for a kidnapped or missing person fall within *New York v. Quarles*'s public safety exception to *Miranda* ?

19-0853 HERRON, ROBERT 10/09/19
STATE'S EL PASO FAILURE TO COMPLY WITH
REGISTRATION REQUIREMENTS

In holding the evidence legally insufficient to support the defendant's conviction for failing to register, specifically, that the State failed to prove that the defendant had a duty to register with the El Paso County Sheriff's Office, where there was at least "some evidence" (and specifically, direct evidence of the fact) that the Sheriff's Office was the "local law-enforcement agency" with which Herron was required to register, rather than decide merely whether there was legally sufficient evidence that, when viewed in its proper context and in the light most favorable to the verdict, could support a rational inference that Herron was, indeed, required to register with the Sheriff's Office, the Eighth Court improperly required the State to meet its evidentiary burden via the Court's preferred manner of evidentiary proof, effectively increasing the State's burden.

19-0963 **NICHOLSON, HARRY DONALD, JR.** **12/18/19**
APPELLANT'S **NAVARRO** **EVADING ARREST**

1. Whether the plain language of the evading arrest statute requires proof of knowledge that the attempted arrest or detention is lawful.
2. Whether it matters in this case; whether the evidence is legally insufficient to show that Nicholson knew he was being lawfully detained.

19-0984 **McGUIRE, SEAN MICHAEL** **12/11/19**
STATE'S **FORT BEND** **FELONY MURDER**
INTOXICATION MANSLAUGHTER

2. Does Tex. Code Crim. Proc. Art.14.03(a)(1) have an exigency requirement for warrantless arrests?
3. If Article 14.03(a)(1) has an exigency requirement for a warrantless arrest in public, it was satisfied here because the integrity of blood-alcohol-content evidence would have been compromised had Appellee been free to leave.

19-1053 **PUGH, ALLEN BRAY** **02/05/20**
APPELLANT'S **TAYLOR** **MURDER**

The Court of Appeals erred in holding the trial court acted within its discretion when it allowed the State to introduce three animations to the jury which depicted the decedent Delorme as unarmed and stationary, contrary to the evidence.

19-1079 **MOLINA, WILBER ULISES** **05/06/20**
APPELLANT'S **HARRIS** **AGGRAVATED SEXUAL**
ASSAULT

Whether the majority opinion conflicts with *Burch v. State*, when the majority opinion affirmed the trial court's admission of DNA testimony over Appellant's Confrontation Clause objection?

19-1096 **RION, CHRISTOPHER** **01/15/20**
STATE'S **DALLAS** **AGGRAVATED ASSAULT**

Collateral estoppel applies only when two issues are identical. In appellant's manslaughter trial, the jury was charged to consider whether appellant "recklessly caused the death" of the complainant. In a pending aggravated assault trial, the jury will be charged to consider whether he "recklessly caused bodily injury" to a different complainant. The court of appeals held that collateral estoppel applies. Was the court right?

19-1101 **HERVEY, WILLIE MAURICE, JR.** **03/11/20**
STATE'S **WICHITA** **MURDER**

1. Does a trial court's sua sponte submission of an issue in the jury charge prevent a court of appeals from considering whether the evidence raised such an issue?
2. If, under a defensive view of the evidence, the defendant in a murder case drew, pointed, and wrestled over the gun of his own volition, is he nonetheless entitled to a voluntary-act instruction if testimony shows that another person's conduct precipitated the gun's discharge?
3. Alternatively, should a voluntary-act instruction resemble the instruction in *Simpkins v. State*, 590 S.W.2d 129 (Tex. Crim. App. [Panel Op.] 1979), and specify the facts that would render the defendant's conduct involuntary or inform the jury that voluntariness is distinct from the culpable mental state?
4. Alternatively, does an instruction result in some harm to the defense if it lacks this specificity and is missing from lesser-included-offense instructions never reached by the jury?

19-1123 **BARTON, CHARLES** **11/20/19**
STATE'S **TARRANT** **HARASSMENT**

1. The court of appeals decided a facial overbreadth claim that was not preserved at trial or raised on appeal.
2. Is Tex. Penal Code § 42.07(a)(7), which prohibits harassing electronic communications, facially unconstitutional?

19-1124 **LANG, TERRI REGINA** **03/11/20**
STATE'S **BURNET** **ORGANIZED RETAIL THEFT**

Is reformation unauthorized unless the State pled all the elements and statutorily required notice allegations of the lesser-included offense?

19-1130 **RODRIGUEZ,, MARVIN** **11/04/20**
APPELLANT'S **TARRANT** **MURDER**

1. The Fort Worth Court's strict interpretation of the "confession and avoidance" doctrine ignored the context of Appellant's actions and admissions, and further undermined established precedent from this Court.
2. This Court should reaffirm the continued vitality of *Martinez v. State*, 775 S.W.2d 645 (Tex. Crim. App. 1989).
3. When analyzing confession and avoidance, a court should view the admissions and the actions of the defendant within the context of the entire episode and not focus myopically on the moment of the defendant's final criminal act.

19-1225 **BELL, ORLANDO** **03/11/20**
STATE'S **BURLESON** **FAILURE TO COMPLY WITH**
REGISTRATION REQUIREMENTS

1. Should error in the punishment enhancement charge be reviewed as charge error rather than as an "illegal sentence?"
2. What standard of harm applies to charge errors that authorize a greater punishment?

19-1233 **GEORGE, ANTHONY RASHAD** **02/26/20**
APPELLANT'S **DALLAS** **CAPITAL MURDER**

Is the Fifth Court of Appeals right, or are the First and Second Courts of Appeals right? Should murder always be anticipated as a potential result of robbery?

19-1248 **SIMMS, CHRISTOPHER** **04/01/20**
APPELLANT'S **HARRIS** **AGGRAVATED ASSAULT**

Whether the Court of Appeals properly protected Appellant's right to an instruction on a lesser included offense by failing to consider his testimony regarding an intervening circumstance that caused the accident resulting in death?

19-1279 **CASTILLO-RAMIREZ, RAMIRO** **03/11/20**
STATE'S **STARR** **AGGRAVATED SEXUAL**
ASSAULT

Can error in a sexual-assault charge—which fails to specify that the defendant used his penis—be harmful when there was no evidence or claim that he used anything else?

19-1319 **LOZANO, CARLOS** **05/06/20**
STATE'S **EL PASO** **MURDER**

The Eighth Court of Appeals erred in its preliminary holding that Appellant was entitled to jury instructions on the use of deadly force in self-defense because there was no evidence presented from any source of Appellant's subjective state of mind at the time of the shooting, that is, whether he was in immediate apprehension or fear that the deceased was about to kill or seriously injure him at the time he shot the deceased, such that Appellant was not entitled to any self-defense instructions. Therefore, any errors in the self-defense instructions actually submitted did not result in egregious harm because Appellant was not entitled to the instructions in the first place.

20-0034 **BROWN, SULIA LAWRENCE** **04/01/20**
STATE'S **TARRANT** **AGGRAVATED SEXUAL**
ASSAULT

1. Article 46B.0095 of the Texas Code of Criminal Procedure allows for commitment of an incompetent defendant for the "maximum term provided by law for the offense for which the defendant was to be tried." The maximum term of confinement for a juvenile adjudicated for a first-degree felony offense is forty years if the State obtains grand jury approval for a determinate-sentence. What, then, is "the maximum term provided by law" for determining the length of mental-health commitment for a juvenile who is accused of a crime severe enough to be determinate-sentence eligible but is found unfit to proceed before a grand jury could make a determinate-sentence finding?

Whether the Court of Appeals erred by concluding that Appellant's statement to Detective Hill was not obtained via a custodial interrogation without the benefit of any warnings when the statement was made after Appellant was ordered to involuntarily leave a residence by an overwhelming police presence and placed into the back of a police car?

20-0243 **MELGAR, SANDRA JEAN** **08/19/20**
APPELLANT'S **HARRIS** **MURDER**

1. Did the Court of Appeals' legal sufficiency of the evidence analysis comport with *Jackson v. Virginia's* additional requirement that a reviewing court must determine "whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt", especially when the panel mischaracterized crucial evidence, failed to fairly and critically assess what the record evidence showed, and ultimately supplied "a bridge to the analytical gap" in the prosecution's case, by theorizing or guessing about the meaning of evidence and reaching conclusions based on speculation, conjecture, and inferences unsupported by the record evidence?
2. Consistent with Due Process, in an appellate review of the legal sufficiency of evidence, can a jury's assumed disbelief of certain witness testimony establish *substantive proof to the contrary of that testimony*?
3. Did the Court of Appeals fail to apply part of the legal sufficiency standard which, according to *Brooks v. State*, "essentially incorporates a factual sufficiency review" into a review for legal sufficiency?
4. Did the Court of Appeals in its review of the legal sufficiency of the evidence fail to consider *all* the trial evidence as required by *Jackson v. Virginia*, as opposed to just evidence tending to support the verdict, although not establishing guilt beyond a reasonable doubt?

20-0245 **SPIELBAUER, JEREMY DAVID** **06/17/20**
STATE'S **RANDALL** **MURDER**

Can written responses in a juror questionnaire, standing alone, establish a challenge for cause when based upon an inaccurately worded statutory ground for cause?

20-0262 **TURLEY, ANDREW JAMES** **06/17/20**
20-0263
STATE'S **HARRIS** **COMPELLING PROSTITUTION,
TRAFFICKING OF A CHILD TO
COMPEL PROSTITUTION**

1. Did the court of appeals err when it held as a matter of law that selling sexual contact with a four-year-old child could never constitute compelled prostitution?
2. Must a child knowingly engage in an act of prostitution for the person who sold sex with her to be guilty of compelling prostitution?

20-0279 **ANDERSON, ANDREW** **09/16/20**
APPELLANT'S **DALLAS** **AGGRAVATED ASSAULT**

1. Whether the 10-day grace period for filing a notice of appeal was unavailable when the incarcerated defendant omitted the words "district clerk" from the envelope he used to send his notice of appeal.
2. Under what circumstances should an incarcerated defendant be allowed factual development to show the clerk physically received his notice of appeal within the 10-day grace period?

20-0287 **PHAM, HAPPY TRAN** **09/16/20**
APPELLANT'S **HARRIS** **MURDER**

1. Whether an attorney provides ineffective assistance when he admits in an affidavit that he failed to interview any potential mitigation witnesses, he made conclusory assumptions about what those witnesses might know about appellant's life, and his decision not to interview any potential witnesses was not based on trial strategy. (C.R. at 329-32, 334-59).
2. Whether trial counsel's failure to investigate even a single avenue of mitigation means that appellant was constructively denied any defense at all in the penalty phase of his trial and therefore prejudice is presumed. (C.R. at 329-32, 334-59).
4. Whether the Court of Appeals erred by holding that because appellant used deadly force, rather than the threat of deadly force, he was not entitled to an instruction on self-defense pursuant to Tex. Pen. Code § 9.04. (VI R.R. at 171-74; XII R.R. at 240).

20-0289
STATE'S

RANSIER, CHARLES ROBERT
COMAL

08/19/20
TAMPERING WITH OR
FABRICATING PHYSICAL
EVIDENCE

1. When—as the Ransier Dissent recognizes—the record does not support a rational conclusion that if Appellant was guilty of anything, it was only attempted tampering, should the Fourteenth Court have nevertheless reversed Appellant's conviction because of the failure to include a 'lesser-included offense' instruction to which he was not entitled?

20-0309
STATE'S

BIGGERS, DARREN LAMONT
COOKE

09/16/20
POSSESSION OF CONTROLLED
SUBSTANCE

When the State alleges, but fails to prove, the codeine mixture the defendant possessed contains a sufficient proportion of another medicine to be medicinal, should he be acquitted?

20-0310
APPELLANT'S

PERKINS, MICKEY RAY
BROWN

08/19/20
AGGRAVATED ASSAULT

2. The Court of Appeals erred in holding the trial court acted within its discretion in allowing the State to introduce extensive details about an extraneous offense during the guilt-innocence phase when Perkins was willing to stipulate to it.

20-0325
STATE'S

EDWARD, DUKE
GALVESTON

09/16/20
ASSAULT

The court of appeals misapplied the standard of review for sufficiency of the evidence and in a manner that so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of the Court of Criminal Appeals' power of supervision.

20-0395
APPELLANT'S

SELECTMAN, NICOLE PATRICE
BEXAR

11/25/20
AGGRAVATED ASSAULT

1. The court of appeals erred by ruling the instant record insufficient, as a matter of law, to permit a rational finding that appellant reasonably believed that deadly force was immediately necessary to defend herself or Erica Rollins against a violent home intruder on April 2, 2015.

2. The court of appeals erred by ruling the instant record insufficient, as a matter of law, to satisfy the "confession and avoidance" doctrine because: (1) appellant never "flatly denied" any essential element of the offense charged; and (2) the record contains more than ample evidence from which the jury could find that appellant either did fire, or otherwise cause, the shot that injured the complainant here.

3. The intermediate appellate court effectively substituted its own harm analysis for findings of fact by a properly instructed jury.

20-0488
APPELLANT'S

VILLAFRANCO, JESSE, JR.
MIDLAND

09/16/20
AGGRAVATED SEXUAL
ASSAULT, ATTEMPTED
INDECENCY W/CHILD,
INDECENCY W/CHILD

1. This Court should review this case because the court of appeals refused to remand this case to the trial court to remedy its error as required by this Court's holding in Lapointe v. State.

2. Assuming that the error in this case should have been reviewed pursuant to the harmless beyond a reasonable doubt standard, the error clearly was not harmless beyond a reasonable doubt.

20-0504
STATE'S

WILLIAMS, APRIL LOREACE
GUADALUPE

09/23/20
DELIVERY OF CONTROLLED
SUBSTANCE

1. The judge, on an at best, partially developed record, required one spectator to view one witness's testimony contemporaneously from a neighboring room. Is this the sort of closure requiring reversal contemplated by the right to a public trial?

1. The Fourteenth Court of Appeals misapplied Texas Rules of Evidence 401 and 402 by disregarding evidence connecting Appellant to Cassie's murder and, thus, erroneously concluding that the extraneous-offense evidence of Cassie's murder was irrelevant.
2. The Fourteenth Court of Appeals erred by failing to consider whether the extraneous-offense evidence of Cassie's murder was admissible under Texas Rule of Evidence 404(b)(2) for the non-character-conformity purposes of: demonstrating that Appellant restrained Cassie without her consent; showing Appellant's intent to use deadly force against Cassie to prevent her liberation; and providing same-transaction contextual evidence.
3. The Fourteenth Court of Appeals failed to conduct a meaningful assessment of whether, per Texas Rule of Evidence 403, the probative value of the extraneous-offense evidence of Cassie's murder was substantially outweighed by the danger of unfair prejudice.

20-1003 KING, JUSTIN SHANE 02/03/21
APPELLANT'S FREESTONE EVADING ARREST OR
DETENTION

Can harmlessness be presumed from a silent record when a defendant has been denied his constitutional and statutory rights to be present during a pretrial proceeding?

20-1032 STEPHENS, ZENA COLLINS 02/10/21
20-1033 APPELLANT'S CHAMBERS TAMPERING WITH
GOVERNMENTAL RECORD;
ACCEPTING A CASH
CONTRIBUTION OVER \$100 (2)

1. Whether, if the Attorney General has the authority to prosecute this case under § 273.021, the statute's grant of prosecutorial authority violates the separation of powers requirement in the Texas Constitution.
2. Whether the Attorney General has the authority to prosecute "election law" cases outside of the Election Code, and if so, whether Penal Code § 37.10 is an "election law" within the meaning of Election Code § 273.021.
3. Whether campaign finance reports are "election records" within the meaning of Penal Code § 37.10.

20-1034 MARTIN, TERRY 01/27/21
STATE'S LUBBOCK UNLAWFUL CARRYING
A WEAPON

Does unlawful carrying a weapon by a gang member, TEX. PENAL CODE § 46.02(a-1)(2)(C), require proof the defendant was continuously or regularly committing gang crimes?

20-1035 STREDIC, VINCENT DEPAUL 02/24/21
STATE'S HARRIS MURDER

1. The Fourteenth Court erred by holding a trial court cannot grant a jury's request for a transcript of disputed testimony.
2. The Fourteenth Court erred by conducting a harm analysis that did not consider the strength of the State's evidence, the weakness of the defense, or the lack of a logical connection between the supposed error and any legally determinative issue.

20-1039 SANCHEZ, OSCAR MINJARE 02/03/21
STATE'S HARRIS FAILURE TO STOP AND
RENDER AID

Did the First Court of Appeals err by acting as factfinder in appellant's 11.072 habeas proceeding? Unlike the Court of Criminal Appeals in an article 11.07 writ, the 1st Court of Appeals' role in an article 11.072 writ is purely that of an appellate court. Consequently, the question before the appellate court was not whether to accept or reject the trial court's findings, but whether the trial court abused its discretion in denying relief.

20-1053 MACEDO, JUAN 02/03/21
STATE'S HARRIS MURDER

2. State's Exhibit 177 was admissible under Article 37.07, §3(a)(1) because it was "relevant to sentencing" and the Fourteenth Court of Appeals erred in not being guided by the language of the statute.

3. If State's Exhibit 177 was admitted in error, the Fourteenth Court of Appeals erred in finding appellant was harmed when it only added evidence that his 2002 domestic violence conviction involved him kicking and biting his wife.

20-1089
STATE'S

LYNCH, CHARLES
GALVESTON

02/03/21
POSSESSION OF CONTROLLED
SUBSTANCE W/INTENT TO
DELIVER

1. The court of appeals erred in holding the trial judge abused her discretion in admitting into evidence two of appellant's prior cocaine convictions in order to prove appellant's knowledge and/or intent with regard to the cocaine recovered in the charged offense, even after a defense witness claimed appellant had no knowledge or intent to commit the charged offense.

2. The court of appeals erred in holding that, upon introducing a defendant's prior narcotics convictions into evidence in order to prove a defendant's knowledge and/or intent in his current narcotics prosecution, the State must also show the facts or details of the prior narcotics cases in order to show their similarity to the charged offense.

3. The court of appeals erred in holding appellant's substantial rights were adversely affected, for the purposes of TEX. R. APP. P. 44.2(b), merely because the purported error occurred—and nothing more.

20-1092
STATE'S

EDWARDS, MAURICE
HARRIS

04/21/21
AGGRAVATED SEXUAL
ASSAULT

1. The First Court erred by holding that a shotgun objection and a complaint about another part of the statute preserved the appellant's appellate argument. This conflicts with this Court's holding in *Resendez*.

2. The First Court erred by holding that the State had to admit DNA test results at a pretrial habeas hearing challenging the validity of the charging instrument.

3. This limitations claim is not cognizable on pretrial habeas because it is a fact-intensive non-constitutional defense. The appellant has an adequate remedy at law through a motion to quash.

20-1124
APPELLANT'S

LAWS, JACE MARTIN
GREGG

01/27/21
ASSAULT

1. Did the Court of Appeals err in concluding that Appellant failed to preserve error?

2. Did the trial court violate Art. 36.22?

3. Is harm presumed when a trial court violates the first sentence of Art. 36.22?

4. Was Appellant harmed by the violation of the first sentence of Art. 36.22?

20-1182
STATE'S

GREEN, TRENTON KYLE
GREGG

02/24/21
FORGERY

1. The Court of Appeals decided an important question of state law that has not been, but should be, settled by the Court of Criminal Appeals, concerning whether the value ladder provisions of Section 32.21(e-1) of the Texas Penal Code are mandatory or whether those provisions only apply when specifically pled by the State.

2. The Court of Appeals decided an important question of state law that has not been, but should be, settled by the Court of Criminal Appeals, concerning whether the defendant's purpose for committing the forgery offense is an element of the offense under Section 32.21(e) of the Texas Penal Code.

20-1211
APPELLANT'S

JOHNSON, NATHANIEL ALLEN
MONTGOMERY

03/31/21
ASSAULT

1. The Beaumont Court of Appeals erred in finding the evidence legally sufficient to prove Petitioner had a qualifying prior conviction for purposes of Texas Penal Code § 22.01(b)(2)(A).

20-1213
STATE'S

LENNOX, BOBBY CARL aka
LEANOX, BOBBY CARL
LAMAR

02/24/21
FORGERY

From the appellate court's statutory construction of Section 32.21(e-1) of the Texas Penal Code, there was no jury-charge error; but more importantly, this Court should resolve a jurisdictional conflict that now exists in Texas law as

to how county and district attorneys in the State of Texas should correctly charge and prosecute criminal offenses for forgery of financial instruments – specifically, checks which, as writings, serve a historic role in the forgery statute in Texas jurisprudence and the economies of Texas the United States of America.

20-1234 **MARTELL, MARIO ERNESTO** **03/10/21**
STATE’S **EL PASO** **POSSESSION OF**
MARIJUANA

After holding that the evidence was legally and factually insufficient to support the trial court's rejection of the defendant's due-diligence affirmative defense, the Court of Appeals erred in failing to further address the issue of estoppel, even though the State raised the estoppel issue in the trial court, the trial court relied on the estoppel issue in proceeding to adjudicate the defendant's guilt, and the State again raised the estoppel issue in the Court of Appeals.

20-1236 **MIDDLETON, BRIAN RAY** **04/14/21**
20-1237
20-1238
20-1239
20-1240
STATE’S **LIBERTY** **THEFT**

If a case at the petition-to-adjudicate stage and a defendant’s subsequent similar crime at the guilt phase are heard simultaneously, are they “prosecuted in a single criminal action” such that any imposed sentences must run concurrently?

21-0020 **BRENT, LAKESIA KEYON** **03/17/21**
STATE’S **HARRIS** **THEFT**

1. The Court of Appeals for the First District erred when it found, contrary to five other courts of appeals, that a trial court maintains unending jurisdiction over community supervision cases to grant “judicial clemency.”

21-0025 **GARCIA, DANIEL** **04/21/21**
STATE'S **BELL** **AGGRAVATED SEXUAL**
ASSAULT

1. Is an objection required to preserve a challenge to restitution ordered payable to the Attorney General for a crime-victim-fund payment made on behalf of a sexual assault victim for a forensic medical exam?
2. Alternatively, does a restitution order payable to the Attorney General for a crime-victim-fund payment made on behalf of a sexual assault victim for a forensic medical exam qualify as victim compensation?
3. Alternatively, is a restitution order payable to the Attorney General for a crime-victim-fund payment made on behalf of a sexual assault victim for a forensic medical exam a proper reimbursement cost?

21-0026 **HOLDER, CHRISTOPHER JAMES** **04/28/21**
STATE’S **COLLIN** **CAPITAL MURDER**

1. If the error at trial was in admitting evidence under a non-constitutional rule–TEX. CODE. CRIM. PROC. art. 38.23–shouldn’t harm be assessed under the non-constitutional harm standard in TEX. R. APP. P. 44.2(b)?
2. If the non-constitutional “substantial rights” standard applies, was the error harmless?

21-0027 **BALDWIN, JOHN WESLEY** **03/31/21**
STATE'S **HARRIS** **CAPITAL MURDER**

1. The court of appeals departed from the proper standard of review by substituting its own judgment for that of the magistrate who viewed the warrant affidavit and found probable cause.
2. The court of appeals employed a heightened standard for probable cause, departing from the flexible standard required by law.

21-0034 **WITCHER, CORNELL** **03/10/21**
STATE’S **BOWIE** **CONTINUOUS SEXUAL**
ABUSE

The court of appeals ignored important evidence and substituted its interpretation of the victim's testimony for the jury's.

21-0035
STATE'S

ROLAND, JERROD P.
FORT BEND

04/21/21
OFFICIAL OPPRESSION

Does TEX. CODE CRIM. PROC. art. 4.07's grant of "original jurisdiction of all misdemeanors" give county courts jurisdiction—concurrent with district courts—over official misconduct cases?

21-0038
21-0039
STATE'S

AVALOS, JOHNNY JOE
BEXAR

03/31/21
CAPITAL MURDER

1. Are mandatory life-without-parole sentences cruel and unusual as applied to intellectually disabled offenders?
2. If the opinion below is affirmed, what are the available punishment options?

21-0183
STATE'S

GARCIA, LEONARDO FABIO
HARRIS

04/21/21
THEFT

The Fourteenth Court of Appeals misconstrued Article 44.01 of the Texas Code of Criminal Procedure and erred in concluding that the State does not have the right to appeal the trial court's order granting relief in a habeas corpus proceeding brought under Article 11.09 of the Texas Code of Criminal Procedure when the trial court's order functionally served to either grant a new trial or to dismiss the information—both of which would constitute an appealable order under Article 44.01(a).