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

PDR NO.	NAME	DATE GRANTED
20-0166	ALCOSER, DANNY WAYNE	05/06/20
20-0100	ANASTASSOV, STOYAN K.	01/13/21
20-0348	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 20-0724/25	GEORGE, ANTHONY RASHAD	02/26/20 09/16/20
20-0724723	GOMEZ, JOSEPH GREEN, TRENTON KYLE	02/24/21
19-0636	HAMMACK, MICHAEL ANTHONY	11/06/19
19-0030	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		03/31/21
18-0552	JONES, JORDAN BARTLETT	07/25/18
20-0617 20-1003	KAHOOKELE, EDMUND KOKO KING, JUSTIN SHANE	10/28/20 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	LOZAÑO, 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 20-0881	MARTIN, TERRY MASON, CRYSTAL	01/27/21 03/31/21
19-0810	MATA, RICARDO	09/18/19
19-0810	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	
	HUMWAY, BRADLEY JACOBS 07/01/20	
19-1248	SIMMS, CHRISTOPHER	04/01/20
20-0245	SPIELBAUER, JEREMY DAVID	06/17/20
20-0695-97	SPILLMAN, 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 T	URLEY, 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
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NUMERICAL LISTING WITH ISSUES GRANTED

18-0552 JONES, JORDAN BARTLETT SMITH

07/25/18 UNLAWFUL DISCLOSURE OF INTIMATE VISUAL MATERIAL

1. Is Tex. Penal Code § 21.16(b) a content-based restriction on speech that is subject to strict scrutiny?

2. May a court of appeals find a statute unconstitutional based on a manner and means that was not charged?

3. Is Tex. Penal Code § 21.16(b) facially constitutional?

18-0831 DUNHAM, MARC WAKEFIELD

APPELLANT'S

HARRIS

DECEPTIVE BUSINESS
PRACTICE

1. The evidence is legally insufficient to sustain Appellant's conviction for deceptive business practice where Appellant did not make any affirmative mis-representation, the State's theory of liability was based on an omission rather than an act, and the complainant accurately understood the commercial terms when the transaction occurred.

2. Whether deceptive business practice is a "nature-of-conduct" or "circumstance-of-conduct" offense and whether the jury must agree unanimously that the defendant committed the same specific act of deception to convict him. (C.R. 87-88; 4 R.R. 103-08).

18-1291 LOPEZ, MARTIN RIVERA BEXAR

03/20/19 ASSAULT

- 1. The court of appeals erred by concluding that a 112 day delay was presumptively prejudicial based on potential delay that had not yet occurred and by weighing the first Barker factor against the State.
- 2. The court of appeals erred by concluding that the State was responsible for the delay and by weighing the second Barker factor against the State.
- 3. The court of appeals erred by weighing the third Barker factor against the State without any evidence that Lopez asserted his right to a speedy trial.

18-1383 BELL, KENDALL 03/27/19 STATE'S HARRIS AGGRAVATED ROBBERY

- 1. May appellant mount a jurisdictional attack on the certification order without having filed a timely motion in bar of prosecution as required by Texas Code of Criminal Procedure Article 4.18?
- 2. Does *Manuel v. State* and its progeny apply to Texas Code of Criminal Procedure Article 44.47 to procedurally default appellant from raising claims upon revocation that he could have pursued an appeal from the order of deferred adjudication?

19-0075 LERMA, REYNALDO HAYS

12/11/19 CAPITAL MURDER

- 1. Can an appellate court disregard the issue of error preservation so that the State has a remedy when a capital murder case is dismissed because of the State's own actions in disappearing a confidential informant?
- 2. Can an appellate court reverse a trial court's dismissal under TRE 508 without ever addressing the untrustworthiness of the State's position that the State does not know the identity of the confidential informant?

19-0202 MONTELONGO, ALBERTO
APPELLANT'S
EL PASO
BL PASO
MURDER,
ASSAULT

Whether or not the 8th Court of Appeals erred in finding that Appellant waived his right to a hearing on a properly presented and filed motion for new trial?

19-0242 ROGERS, WILLIAMS APPELLANT'S REFUGIO

06/26/19 BURGLARY OF HABITATION Did the Court of Appeals err in the analysis for error considering the evidence in the record of the case?

19-0244 19-0245 LUJAN, ERLINDA

06/05/19

STATE'S

EL PASO

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 SA 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 NUNCIO, LEONARDO APPELLANT'S

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 APPELLANT'S

McLENNAN

02/03/21 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 APPELLANT'S HUNT

11/06/19 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 HAYS

09/11/19
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 STATE'S

NUECES

10/02/19 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 STATE'S

HIDALGO

09/18/19 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
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
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
STATE'S
BURLESON
BURLESON
GOS/11/20
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 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 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?

2. Should the Second Court of Appeals have considered the State's defense that it was prohibited from pursuing a determinate-sentence finding from the grand jury because the juvenile was found unfit to proceed and the judicial proceedings were stayed as a matter of law?

20-0048 VILLARREAL, DAVID ASA 06/17/20 APPELLANT'S BEXAR MURDER

The court of appeals erred in holding that the trial court properly limited the Appellant's ability to consult with trial counsel during an overnight recess in violation of the Appellant's Sixth Amendment right to counsel.

20-0108 SHUMWAY, BRADLEY JACOBS

07/01/20

20-0109

APPELLANT'S

MONTGOMERY INDECENCY W/CHILD

- 1. Does the corpus delicti rule require evidence totally independent of a defendant's extrajudicial confession showing that the 'essential nature' of the charged crime was committed by someone?
- 2. Can independent evidence as to time, motive, opportunity, state of mind of the defendant, and/or contextual background information satisfy the corpus delicti rule in an indecency with a child charge when there is zero evidence of sexual contact?
- 3. Is the evidence legally sufficient to support convictions for indecency with a child when the independent evidence does not tend to establish sexual contact?
- 4. Did the Ninth Court of Appeals improperly circumvent The Court of Criminal Appeals 2015 ruling on corpus delicti doctrine in *Miller v. State*, 457 S.W.3d 919 (Tex. Crim. App. 2015) which expressly declined to use a trustworthiness standard regarding the legal sufficiency standard?

20-0157 WADE, ROBERT ERIC, III 04/22/20 WILLIAMSON AGGRAVATED ASSAULT

1. Whether conclusory lay testimony can contradict undisputed testimony from medical sources and a victim on the issue of serious bodily injury such that a lesser-included offense is a "valid, rational alternative" to the charged offense.

20-0166 ALCOSER, DANNY WAYNE 05/06/20 STATE'S McLENNAN ASSAULT

1. The court of appeals misapplied the egregious harm standard of review for unobjected-to jury charge error under Almanza v. State, 686 S.W. 2d 157 (Tex. Crim. App. 1984), 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.

2. The court of appeals' misapplication of the cumulative error doctrine in its analysis of unobjected-to jury charge error 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.

20-0234 RUBIO, CHRISTOPHER MICHAEL 07/01/20 APPELLANT'S DALLAS CAPITAL MURDER

Did the Court of Appeals resolve a procedural issue relating to the timely filing and hearing of an amended motion for new trial in a manner that conflicts with Courts of Appeals and Court of Criminal Appeals precedent?

20-0236 WEST, TIMOTHY
APPELLEE'S EL PASO
POSSESSION OR ATTEMPTED
POSSESSION OF OXYCODONE

In finding that the original indictment that charged three counts of possession or attempted possession of a controlled substance, to wit: tramadol (by misrepresentation, fraud, forgery, deception or subterfuge, on or about three separate dates), alleged the same conduct, act or transaction as a subsequent indictment that charged the possession or attempted possession of oxycodone, the Court of Appeals decision conflicts with decisions of the Court of Criminal Appeals and the United States Supreme Court, Tex. R. App, P. 66.3(a)(c).

20-0241 WEXLER, SUZANNE ELIZABETH HARRIS

06/17/20 POSSESSION OF CONTROLLED SUBSTANCE W/INTENT TO DELIVER 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 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 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 CONROLLED 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 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 EDWARD, DUKE STATE'S

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 SELECTMAN, NICOLE PATRICE APPELLANT'S 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?

2. Did the Fourth Court of Appeals fail to adequately address petitioner's argument that the courtroom was not closed as required by Rule 47.1 of the Texas Rules of Appellate Procedure?

3. Does the Fourth Court of Appeals's opinion fail to provide proper guidance and risk creating confusion for other courts when it failed to make a clear distinction between full and partial courtroom closures and the standards applicable to each type of closure?

20-0545 RATLIFF, KEVIN APPELLANT'S

LLANO

01/27/21 OFFICIAL OPPRESSION, **TAMPERING WITH GOVERNMENT RECORD**

The Court of Appeals erred to find that the evidence was sufficient to sustain the convictions entered in the instant case.

20-0546 STATE'S **PUGH, KEDREEN MARQUE**

BEXAR

10/21/20 POSSESSION OF CONTROLLED SUBSTANCE W/INTENT TO **DELIVER**

1. Does a single clarifying question by a police officer in response to a defendant's spontaneous, voluntary statement constitute custodial interrogation for the purposes of Miranda?

2. Even if the answer to the officer's question was inadmissible, the court of appeals erred in factoring admissible evidence, including the defendant's initial volunteered statement and the fruit of the unMirandized statement, into its harm analysis.

20-0553 STATE'S JOHNSON, JAMAILE BURNETT **HARRIS**

10/21/20 THEFT

Did the court of appeals fail to apply the standard of review correctly in its analysis of appellant's ineffective-assistance-of-counsel claim?

20-0556 STATE'S DO, PHI VAN

HARRIS

09/30/20 **DRIVING WHILE INTOXICATED**

1. The Fourteenth Court erred by applying the constitutional harm standard to unobjected-to charge error.

2. Alternatively, the Fourteenth Court erred by concluding that a punishment-phase objection preserved error in the guilt-phase charge.

3. The Fourteenth Court erred by finding reversible harm even though the error concerned an uncontested matter established by objective facts.

20-0561 STATE'S JOHNSON, JACOB MATTHEW **BRAZORIA**

09/16/20 POSSESSION OF MARIJUANA

- 1. Is the use of overhead emergency lights, combined with factors present in most if not all encounters, sufficient to seize the occupants of a parked vehicle?
- 2. If appellant was seized, was it reasonable?

20-0593 APPELLANT'S

SANCHEZ, JOSE CESAR **ECTOR**

10/21/20 **CONTINUOUS SEXUAL ABUSE OF A CHILD**

The Court of Appeals erred by finding: . . . (ii) that the trial court did not err by refusing to permit Petitioner to withdraw his jury waiver.

20-0617 **APPELLANT'S**

KAHOOKELE, EDMUND KOKO **COMAL**

10/28/20 POSSESSION OF CONTROLLED **SUBSTANCE**

Whether the Court of Appeals erred in holding that aggravated state jail felonies [Tex. Penal Code, Section 12.35(c)] are subject to further enhancement under the repeat and habitual-offender statute governing first, second, or third degree felonies [Tex. Penal Code 12.42(d)], rather than Section 12.425, Penalties for Repeat and Habitual Felony Offenders on Trial for State Jail Felony.

20-0653 BAHENA, RAUL APPELLANT'S

HARRIS

11/18/20 AGGRAVATED ROBBERY

The Court of Appeals erred in affirming the trial court's admission of a disc of inmate telephone calls over Appellant's objection that the State's witness was not the custodian of records.

20-0695 SPILLMAN, DAVID EARL, JR.

12/09/20

20-0696 20-0697

APPELLANT'S

HUNT

ASSAULT ON PUBLIC SERVANT

(2COUNTS)

POSSESSIÓN OF CONTROLLED

SUBSTANCE

Whether the evidence is legally sufficient to support Petitioner's convictions for two assaults on a Public Servant?

20-0703 STATE'S BROOKS, JESSIE LEE, JR. MILAM

11/11/20

AGGRAVATED ASSAULT

When the State includes a deadly-weapon allegation in its aggravated assault by threat indictment and then fails to prove its manner and means of the threat, can the State still prove assault by threat based on use or exhibition of the deadly weapon?

20-0712 D APPELLANT'S

DIAZ, NELSON GARCIA

10/21/20

BURGLARY

1. Does intentionally misdescribing an untested confidential informant as an "anonymous source" in a probable cause affidavit cause the informant's uncorroborated incriminating information to be excised pursuant to *Franks*?

20-0724

GOMEZ, JOSEPH

09/16/20

20-0725

STATE'S

HARRIS

PRE-TRIAL BAIL

The First Court erred by holding that a trial court cannot find a bond "insufficient in amount" once a defendant has posted the bond. Whether the bond is "insufficient in amount" is not a question of whether the defendant made a bond equal to the bail amount, it is a question of whether the required amount should be set higher.

20-0753 APPELLANT'S

MACIEL, BETHANY GRACE BRAZOS 10/21/20

DRIVING WHILE INTOXICATED

- 1. Did the court of appeals ignore this Court's confession and avoidance precedent set out in Juarez v. State?
- 2. Does a Defendant need to know what "operating" a vehicle means in order to satisfactorily admit to "operating" a vehicle?

20-0788 STATE'S RAMOS, ENRIQUE ANGEL HIDALGO 10/21/20

CONTINUOUS SEXUAL ABUSE

OF A CHILD

PROHIBITED SEXUAL CONDUCT

Did the Legislature intend punishments for both continuous sexual abuse, TEX. PENAL CODE § 21.02, and prohibited sexual conduct, TEX. PENAL CODE § 25.02, against the same child?

20-0790 STATE'S HERNANDEZ, ROBERTO NAVARRO 12/16/20

AGGRAVATED SEXUAL

ASSAULT

- 1. Is indecency by touching the victim's sexual organ a lesser-included offense of penetrating the child's mouth with the defendant's sexual organ if the former is the defendant's version of the incident?
- 2. For indecency by contact to be a lesser of aggravated sexual assault, must the act on which the indecency is predicated have the potential to be factually subsumed within the aggravated sexual assault?

20-0845 OLIVER, ROY
APPELLANT'S DALLAS 01/13/21
MURDER

2. When the prosecuting authority is in possession of an immunized statement, does the State bear the burden to demonstrate that the statement was not "used" in any way by the prosecution?

0-0848 ANASTASSOV, STOYAN K. STATE'S DALLAS

01/13/21 INDECENCY W/CHILD

Should concurrent fines be discharged concurrently like concurrent terms of confinement?

20-0862 RUFFINS, ANTHONY COMAL

01/13/21 AGGRAVATED ROBBERY

- 1. If the testimony from an alleged accomplice witness-in-fact is completely removed from consideration, where the jury charge contained two accomplice witness instructions—one clearly correct regarding the accomplice as a matter of law—and there was substantial non-accomplice evidence to corroborate either accomplice witness's testimony, did Appellant suffer egregious harm from any alleged error in the accomplice-in-fact instruction?
- 2. Did Appellant invite—or is he otherwise estopped from challenging—the allegedly erroneous instruction he requested and now complains of on appeal?
- 3. Was Appellant even entitled to an instruction on whether Hogarth was an accomplice as a matter of fact?
- 4. In a case where the Defense argues a witness was an accomplice, who bears the burden to prove a witness's status as an accomplice as a matter of fact, and what is the appropriate burden?

20-0881 MASON, CRYSTAL 03/31/21 APPELLANT'S TARRANT ILLEGAL VOTING

- 1. The Illegal Voting statute requires that "the person knows the person is not eligible to vote." Tex. Elec. Code § 64.012(a)(1). This Court's precedent, notably *Delay v. State*, 465 S.W. 3d 232 (Tex. Crim. App. 2014), confirms that the State must prove that the person knew her conduct violated the Election Code. Did the court of appeals err in holding that "the fact that [Ms. Mason] did not know she was legally ineligible to vote was irrelevant to her prosecution?"
- 2. Did the court of appeals err by adopting an interpretation of the Illegal Voting statute that is preempted by the federal Helping America Vote Act specifically by interpreting the Illegal Voting statute to criminalize the good faith submission of provisional ballots where individuals turn out to be incorrect about their eligibility to vote?
- 3. In an issue of first impression, did the court of appeals misinterpret the Illegal Voting statute by holding that submitting a provisional ballot that is rejected constitutes "vot[ing] in an election"?

20-0928 BALTIMORE, IJAH IWASEY APPELLANT'S McLENNAN

01/13/21 UNLAWFULLY CARRYING A WEAPON

Must the State offer proof of the parameters of a licensed premises to secure a conviction for unlawfully carrying a weapon on licensed premises?

20-0936 IGBOJI, JEREL CHINEDU 11/25/20 STATE'S FORT BEND AGGRAVATED ROBBERY

- 1. Do exigent circumstances to seize a cellular phone for fear of unintentional loss of evidence require that law enforcement act at the earliest possible opportunity?
- 2. Do exigent circumstances to seize a cellular phone for fear of intentional destruction of evidence require "affirmative conduct" by the suspect?
- 3. Does the exigent circumstances exception require proof that the evidence was unavailable from other sources?

20-1000 INTHALANGSY, SANTHY HARRIS

01/13/21 CAPITAL MURDER

- 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 APPELLANT'S

KING, JUSTIN SHANE FREESTONE

02/03/21 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 STATE'S MARTIN, TERRY

LUBBOCK

01/27/21 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 STATE'S STREDIC, VINCENT DEPAUL HARRIS

02/24/21 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 STATE'S SANCHEZ, OSCAR MINJARE HARRIS 02/03/21 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 STATE'S **MACEDO, JUAN**

HARRIS

02/03/21 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 LAWS, JACE MARTIN APPELLANT'S 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 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 JOHNSON, NATHANIEL ALLEN 03/31/21 APPELLANT'S MONTGOMERY 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 LENNOX, BOBBY CARL aka LEANOX, BOBBY CARL 02/24/21

FORGERY

STATE'S LAMAR

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 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 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 ROLAND, JERROD P. 04/21/21 STATE'S FORT BEND 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 AVALOS, JOHNNY JOE 03/31/21

21-0039

STATE'S BEXAR 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 GARCIA, LEONARDO FABIO 04/21/21 STATE'S HARRIS 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).