

No. 14-24-00328-CR

In The Court of Appeals
For the 14th District of Texas

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DEBORAH M. YOUNG
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Armando Williams,
Appellant

v.

The State of Texas,
Appellee

On Appeal from Cause Number 1798784
From the 338th District Court of Harris County, Texas

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Oral Argument Not Requested

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STATEMENT OF THE CASE

Armando Williams was indicted on March 6, 2023, on a charge of Capital Murder occurring on November 12, 2022. (CR 28).¹ A jury convicted him of Murder. (CR 135-137; 7RR 28).² The judge sentenced him to 35 years imprisonment. (CR 135-137; 8RR 18). On April 30, 2024, he filed a notice of appeal, and the trial court certified his right to appeal. (CR 140). No motion for new trial was filed.

STATEMENT REGARDING ORAL ARGUMENT

Pursuant to TEX. R. APP. P. 38.1(e), Appellant's counsel does not request oral argument.

¹ The Clerk's Record on appeal is designated by "CR" followed by page number.

² The Reporter's Record on appeal is designated by volume number, followed by "RR," followed by page number.

ISSUES PRESENTED

1. The district court impermissibly commented on the weight of the evidence and deprived Williams of a fair trial through disparate treatment of the state and defense counsel, creating structural error requiring reversal.
2. The trial court and prosecutor systematically violated Williams' fundamental right to self-representation, guaranteed by the Sixth Amendment of the United States Constitution and Article I, Section 10 of the Texas Constitution resulting in structural error.
3. The evidence is legally insufficient to support Williams' conviction for either capital murder or murder, requiring acquittal.
4. The convergence of multiple constitutional violations—judicial bias, denial of self-representation, and conviction on insufficient evidence—created a structural defect requiring automatic reversal.

STATEMENT OF FACTS

On November 12, 2022, Desmond Ridley was shot and killed near Vista Del Rancho Drive in Harris County, Texas.³ That morning, Ridley had been watching his 2-year-old sister while their mother, Tanishala Ridley, was at work.⁴ When Ms. Ridley returned home around 2:00-2:15 PM, Desmond left to go to a nearby Valero gas station.⁵

The evidence established the following sequence of events on November 12, 2022:

- 2:00-2:15 PM: Ridley leaves his home⁶
- 2:46 PM: Surveillance video shows Ridley walking toward Valero from Swift gas station⁷
- 2:48 PM: Video captures Ridley approaching a burgundy Chrysler 300 in Valero parking lot⁸
- 3:15 PM: Burgundy Chrysler 300 seen leaving Valero⁹
- 3:19 PM Burgundy Chrysler 300 enters Vista Del Rancho Drive¹⁰

³ 6RR 106-107.

⁴ 6RR 109.

⁵ 6RR 110-112.

⁶ 6RR 110-112

⁷ 6RR 157-159

⁸ 6RR 160-161

⁹ 6RR 161-162

¹⁰ 6RR 135-137

- 3:27 PM Burgundy Chrysler 300 exits Vista Del Rancho Drive¹¹
- 3:59 PM Police dispatched after 911 call about body in roadway¹²
- 4:05 PM Officers arrive and discover Ridley's body¹³

This timeline reveals critical gaps during which multiple individuals had potential access to the area, which was populated by semi-trucks and backed up to a residential neighborhood with multiple points of access.

Surveillance footage captured portions of Ridley's movements that afternoon. At approximately 2:46 PM, video from a Swift gas station showed Ridley walking toward the Valero.¹⁴ At 2:48 PM, the video showed Ridley approaching a burgundy Chrysler 300 in the Valero parking lot.¹⁵ The same vehicle was seen leaving the Valero at 3:15 PM.¹⁶ Later footage showed a burgundy Chrysler 300

¹¹ 6RR 135-137

¹² 6RR 30-31

¹³ 6RR 127

¹⁴ 6RR 157-159

¹⁵ 6RR 160-161.

¹⁶ 6RR 161-162.

entering Vista Del Rancho Drive at 3:19 PM and exiting at 3:27 PM.¹⁷

While no other vehicles were seen entering or exiting between those times, the area was populated by semi-trucks and backed up to a residential neighborhood with multiple points of access.¹⁸

At 3:59 PM, police were dispatched after receiving a 911 call about a body in the roadway.¹⁹ Officers arrived at 4:05 PM and found Ridley's body.²⁰ The autopsy, performed by Dr. Darshan Phatak on November 13, 2022, revealed two gunshot wounds - one to the left shoulder and one to the left torso.²¹ Both wounds could cause death within minutes.²² Dr. Phatak recovered two projectiles from the body and determined the cause of death to be multiple gunshot wounds.²³

When found, Ridley's body had no identification, cell phone, wallet, or jewelry.²⁴ Ms. Ridley later testified that her son had been

¹⁷ 6RR 135-137.

¹⁸ 6RR 148; 6RR 32-33.

¹⁹ 6RR 30-31.

²⁰ 6RR 127.

²¹ 6RR 79-80.

²² 6RR 83, 85.

²³ 6RR 81-82, 85; 6RR 77)

²⁴ 6RR 43-44.

wearing earrings when he left home.²⁵ Ridley's cell phone was subsequently discovered abandoned near Beechnut Street and Dairy Ashford Road.²⁶

Police identified the owner of the burgundy Chrysler 300 as Armando Williams and arrested him on December 13, 2022.²⁷ An AR-15 pistol was found on the front passenger floorboard of Williams' car.²⁸ Firearms examiner Dawn LaPorte analyzed this weapon along with projectiles recovered from Ridley's body. She concluded that one projectile matched the AR-15 pistol.²⁹ LaPorte also examined two cartridge casings found at the crime scene, determining they had the same class characteristics and came from the same unknown firearm, though she could not conclusively match them to Williams' firearm.³⁰

DNA analysis of the firearm's grip yielded a mixture that was 18 trillion times more likely to have originated from Williams and

²⁵ 6RR 111.

²⁶ 6RR 143.

²⁷ 6RR 144, 177-178.

²⁸ 6RR 102-104.

²⁹ 6RR 219-220.

³⁰ 6RR 220-221.

an unknown individual than from two unknown individuals.³¹ This established only that Williams had handled the weapon at some point - not when or in what context. DNA analysis of swabs from the front passenger armrest of Williams' car produced a mixture from which Ridley was excluded as a contributor, but Williams could not be excluded.³²

When interviewed by police, Williams denied knowing Ridley or having any involvement in the incident.³³ However, examination of Ridley's phone revealed a contact listed as "Smokey Down Tha Corner" with a phone number matching Williams' own, establishing some prior connection between the two men, though not the nature or extent of that connection.³⁴

³¹ 6RR 204-205.

³² 6RR 202.

³³ 6RR 182-183.

³⁴ 6RR 191-192

SUMMARY OF THE ARGUMENT

The constitutional violations in this case created a cascade effect, where each error amplified the others, denying a fair trial.

1. The trial judge's persistent bias manifested through an escalating pattern of conduct that systematically destroyed Williams' right to a fair trial. Beginning in voir dire, the judge improperly framed Williams' constitutional right to self-representation as evidence of questionable mental capacity, allowing the prosecution to exploit this judicial skepticism. This bias intensified when the court confronted the State's evidentially deficient case on robbery—rather than granting Williams' motion for directed verdict, the judge took the extraordinary step of suggesting prosecution strategy, acknowledging “I don't really recall hearing anything about robbery” while still denying the motion. The bias culminated during closing arguments when the court imposed arbitrary and unequal restrictions that marked Williams as uniquely dangerous, prohibiting only him from handling evidence that the bailiff had cleared as safe while allowing the prosecution

complete freedom with the same items. This pattern of conduct crossed the constitutional threshold from mere judicial discretion into impermissible bias, creating structural error that requires reversal under both United States Supreme Court precedent and Texas law. The systematic nature of these violations, beginning with the undermining of Williams' credibility during voir dire and progressing through critical stages of trial, fundamentally altered the framework within which the trial proceeded, creating precisely the kind of structural defect that *Arizona v. Fulminante* holds requires automatic reversal.

2. From the moment of voir dire, both court and prosecutor engaged in a calculated and systematic violation of Williams' fundamental right to self-representation. The trial court transformed what Texas courts recognize as a fundamental constitutional right into evidence of questionable mental capacity, telling potential jurors that self-representation raised questions about "mental state" and "ability." The prosecutor immediately exploited this judicial skepticism,

emphasizing that capital cases demand “the best attorneys” and that “it's not just anybody fresh out of law school” who can handle such cases. This treatment directly violated core principles established by both the United States Supreme Court and the Texas Court of Criminal Appeals protecting a defendant's autonomy in presenting their own defense. While this violation intersected with the court's persistent bias, it constitutes an independent constitutional violation that requires reversal. The systematic undermining of Williams’ right to represent himself, particularly in a capital case, struck at what the Supreme Court in *Faretta v. California* identified as “that respect for the individual which is the lifeblood of the law.” By transforming Williams’ exercise of his constitutional right into evidence of incompetence and potential guilt, the court and prosecutor created precisely the kind of structural defect that Texas courts have consistently held requires automatic reversal, regardless of traditional harm analysis.

3. The State failed to present legally sufficient evidence to establish Williams’ guilt beyond reasonable doubt for either

capital murder or murder. The complete absence of robbery evidence was so apparent that even the trial judge acknowledged during the directed verdict discussion that she could not “recall hearing anything about robbery except that the man was wearing earrings.” While the circumstantial evidence connecting Williams to the murder was stronger—including surveillance footage of his vehicle, ballistics matching one projectile to his weapon, and DNA evidence—it failed as it was based on unreasonable inferences, mandating reversal and acquittal.

4. The convergence of constitutional violations in this case—pervasive judicial bias, systematic denial of self-representation rights, and conviction on legally insufficient evidence—created more than mere cumulative error; it produced a structural defect that fundamentally altered the trial's framework. These violations created a self-reinforcing cycle where each error amplified the others' impact: the judge's early framing of self-representation as evidence of mental incompetence colored jurors' perception of all

subsequent evidence, while the court's acknowledgment yet disregard of insufficient evidence during the directed verdict motion validated the earlier undermining of Williams' defense rights. When constitutional violations interact to affect the entire adjudicatory framework, they create structural error requiring automatic reversal. The impact of this structural defect manifests clearly in the jury's verdict pattern—rejecting capital murder while still convicting on murder despite acknowledged insufficient evidence, suggesting a verdict based on factors other than proof beyond reasonable doubt. These compounding constitutional violations so fundamentally altered the character of the proceedings that traditional cumulative error analysis proves inadequate to measure their impact, creating precisely the kind of structural defect that both Texas courts and the United States Supreme Court have held requires automatic reversal.

ARGUMENT AND AUTHORITIES

ISSUE NUMBER ONE

THE DISTRICT COURT IMPERMISSIBLY COMMENTED ON THE WEIGHT OF THE EVIDENCE AND DEPRIVED WILLIAMS OF A FAIR TRIAL THROUGH DISPARATE TREATMENT OF THE STATE AND DEFENSE COUNSEL , CREATING STRUCTURAL ERROR REQUIRING REVERSAL .

Throughout Williams’ capital murder trial, the judge abandoned her constitutional duty of impartiality through a series of escalating actions that systematically favored the prosecution while undermining the defense. This conduct crossed the constitutional threshold from mere judicial discretion into impermissible bias, creating structural error that requires reversal. The judge's progression from subtle commentary to explicit advocacy mirrors precisely the kind of conduct that the Supreme Court has declared “fundamentally incompatible with our system of justice.” *In re Murchison*, 349 U.S. 133, 136 (1955).

A. STANDARD OF REVIEW

A trial court improperly comments on the weight of evidence when it makes a statement that implies approval of the State’s argument, indicates disbelief in the defense’s position, or diminishes the credibility of the defense's approach to the case.

Simon v. State, 203 S.W.3d 581, 590 (Tex. App.—Houston [14th Dist.] 2006, no pet.).³⁵ Appellate courts review allegations of judicial bias *de novo*, examining the entire record for evidence of partiality that rendered the trial fundamentally unfair. *Gaal v. State*, 332 S.W.3d 448, 452 (Tex. Crim. App. 2011).

In *Blue v. State*, the Court of Criminal Appeals held that a judge's comments suggesting bias require no objection when they fundamentally undermine the defendant's presumption of innocence. 41 S.W.3d 129, 131 (Tex. Crim. App. 2000). Just as the judge in *Blue* improperly influenced the jury by expressing

³⁵ *Simon* quotes to *Brown v. State* which explains that “[J]urors are prone to seize with alacrity upon any conduct or language of the trial judge which they may interpret as shedding light upon his view of the weight of the evidence, or the merits of the issues involved.” 122 S.W.3d 794, 798 (Tex. Crim. App. 2003). This is not a quote from *Brown* but rather a distillation of several cases found in footnote 8. *Brown*, 122 S.W.3d at fn 8.

That footnote cites: *Lagrone v. State*, 84 Tex.Crim. 609, 615–16, 209 S.W. 411, 415 (1919); *see also Harrell v. State*, 120 Tex.Crim. 359, 361, 47 S.W.2d 311, 311 (1932) (“[t]o the jury, the language and the conduct of the trial court have a special and peculiar weight”); *Davis v. State*, 114 Tex.Crim. 72, 74, 24 S.W.2d 417, 418 (1929) (quoting *Lagrone*); *Linton v. State*, 106 Tex.Crim. 165, 166, 291 S.W. 250, 251 (1927) (“[t]rial judges should be very guarded in their verbal statements or comments upon the testimony to and in the presence and hearing of the jury in order to avoid impressing the jury with the idea that the court entertained any impressions of the case which he wished them to know, and putting before them matters which should not enter into or affect their deliberation”).

personal views about the defendant's guilt, here the trial judge's comments during voir dire about Williams' "mental state" and "ability" (5RR 61-62) similarly tainted the jury's perception before evidence was even presented. When a judge's comments taint the presumption of innocence or undermine the defendant's constitutional rights, they constitute fundamental error of constitutional dimension. *Blue*, 41 S.W.3d. at 132. Such comments violate the fundamental principle that "every person charged with a crime is entitled to a trial before an impartial judge." *Tumey v. Ohio*, 273 U.S. 510, 535 (1927).

B. THE EVOLUTION OF JUDICIAL BIAS

The trial judge's bias emerged through a progressive pattern of conduct that systematically eroded fundamental constitutional protections. This evolution from subtle commentary to explicit advocacy mirrors the kind of judicial conduct the Supreme Court warned against in *Liteky v. United States*, where the Court emphasized that judicial remarks revealing "such a high degree of favoritism or antagonism as to make fair judgment impossible" violate due process. 510 U.S. 540, 555 (1994).

The first signs of bias surfaced during voir dire, when the court framed Williams’ constitutional right to self-representation as potentially problematic. The judge told potential jurors:

JUDGE: When a person asks to represent themselves, you are absolutely entitled to do that, if you wish to do that. That is our law. There are some inquiries that are made to make sure that's the appropriate thing to happen for lots of reasons, okay? There are mental state. There are ability, et cetera. There's knowledge.

(5RR 61-62).

Faretta established that the right to self-representation is a fundamental constitutional right that cannot be denied based on technical legal knowledge or expertise. 422 U.S. 806, 819 (1975). Yet here, the trial court did exactly what *Faretta* prohibits - undermined Williams’ right by suggesting to potential jurors that self-representation raised questions about his “mental state” and “ability” (5RR 61-62), while the prosecutor reinforced this prejudice by emphasizing that capital cases require “the best attorneys” (5RR 105-106).

The prosecution immediately seized upon and amplified this judicial skepticism through a calculated strategy that transformed the court's initial doubts into a broader assault on Williams' competence:

MS. LONG: Now, when you have a capital murder charge, it is the best of attorneys that are appointed on these cases. Not just anybody can be appointed on capital murder charges. You have to have tons of experiences doing these cases as first chair, as second chair. And so it's a big deal to be appointed on a case like this. It's not just anybody fresh out of law school.

(5RR 105-106).

This prosecutorial exploitation of judicial bias created a devastating feedback loop: The court's suggestion that self-representation raised questions about Williams' mental state gave the prosecution an opening to emphasize his perceived inadequacies.³⁶ The prosecutor's comments, in turn, validated the

³⁶ The State's implicit link between self-representation and outcome is prejudicial and empirically questionable. *See* Erica J. Hashimoto, *Defending the Right of Self-Representation: An Empirical Look at the Pro Se Felony Defendant*, 85 NCLR 423, 428-449 (2007) (discussing the reasons pro se defendants represent themselves and outcomes).

court's initial expression of doubt, making subsequent displays of judicial bias appear more justified. The prosecution reinforced this theme throughout voir dire, repeatedly contrasting Williams with "the best attorneys" and emphasizing the complexity of capital cases—effectively telling potential jurors that Williams' choice to represent himself was evidence of poor judgment.

This systematic undermining of Williams' credibility during voir dire set the stage for the court's increasingly biased treatment throughout trial. Having established Williams as potentially unstable and incompetent in jurors' minds, each subsequent instance of judicial bias—from suggesting prosecution strategy during the directed verdict discussion (6RR 226-227) to treating Williams as uniquely dangerous during closing arguments (7RR 7)—appeared more reasonable to the jury. The prosecution's exploitation of judicial bias thus helped create the very framework of prejudice that would ultimately deny Williams a fair trial.

The bias intensified during the directed verdict discussion in a moment that exposed both the weakness of the State's case and the judge's abandonment of neutrality. The judge remarked:

JUDGE: I'm inclined to give the lesser because I don't really recall hearing anything about robbery except that the man was wearing earrings, I think, that his mother said when he left the house.

(6RR 226-227).

This extraordinary statement revealed the court's departure from its constitutional role as neutral arbiter. As the Supreme Court emphasized in *Quercia v. United States*, when a judge abandons neutrality, "it has a necessarily and great weight" influence on the jury. 289 U.S. 466, 470 (1933).

The progression of bias reached its apex during closing arguments through the court's disparate treatment of evidence handling. Despite the bailiff's clearance of all evidence as safe, the judge prohibited only Williams from handling physical evidence while allowing the prosecution complete freedom with the same items. (7RR 7). This unequal treatment violated the fundamental principle articulated in *Kentucky v. Stincer*, which states that "a criminal defendant has the right to be present at any stage of the criminal proceeding that is critical to its outcome if his presence would contribute to the fairness of the procedure." 482 U.S. 730,

745 (1987). His physical presence might have been intact, however, his presence before the jury was curtailed critically.

C. THE CONSTITUTIONAL DIMENSION

The Supreme Court’s evolving jurisprudence on judicial bias demonstrates why the court’s conduct crossed constitutional lines. Recent decisions have significantly strengthened protections against judicial bias, recognizing its unique threat to fair trial rights. In *Williams v. Pennsylvania*, the Court emphasized that “bias is easy to attribute to others and difficult to discern in oneself,” requiring objective standards for judicial conduct. 579 U.S. 1, 9 (2016).

Rippo holds that due process requires recusal when “the probability of actual bias... is too high to be constitutionally tolerable.” *Rippo v. Baker*, 580 U.S. 285, 287 (2017). Here, the probability of bias moved beyond mere speculation to demonstrable fact: the judge acknowledged the absence of robbery evidence— “I don't really recall hearing anything about robbery” (6RR 226-227)—yet still denied the directed verdict motion, showing an unwillingness to follow the evidence where it led.

The Texas Court of Criminal Appeals has similarly recognized the profound constitutional implications of judicial bias. In *Dockstader v. State*, the court emphasized that “judicial conduct that could influence the jury’s verdict may constitute fundamental error that requires no objection.” 233 S.W.3d 98, 108 (Tex. App. – Houston [14th. Dist] 2007, pet. ref’d). The judge’s conduct went beyond mere influence to actively undermine Williams’ defense.

As *Dockstader* emphasizes, “one of the most fundamental components of a fair trial is a neutral and detached judge.” *Dockstader*, 233 S.W.3d at 101. *Dockstader* recognizes that judicial conduct requires reversal when it could influence the jury’s verdict. *Dockstader*, 233 S.W.3d at 108. The judge’s conduct here went beyond mere influence—it explicitly guided the jury’s perception by allowing only the prosecution to handle evidence during closing arguments (7RR 7), treating Williams as uniquely dangerous despite the bailiff’s clearance of all evidence as safe.

Unlike in *Dockstader*, where isolated comments were found insufficient to show bias, the record here reveals a progressive pattern of judicial conduct that systematically favored the

prosecution while prejudicing the defense, creating exactly the sort of structural error that requires no preservation for review.

D. THE STRUCTURAL IMPACT

The judge's conduct created what *Arizona v. Fulminante* terms a "structural defect affecting the framework within which the trial proceeds." 499 U.S. 279, 310 (1991). This defect permeated the entire trial process, transforming what should have been an adversarial proceeding into one where the judge actively assisted the prosecution while handicapping the defense.

Fulminante distinguishes between trial errors that occur during presentation of the case and structural defects that affect the entire framework of the trial *Fulminante*, 499 U.S. at 309-310. The violations here created exactly such a framework defect: the judge's voir dire comments about Williams' mental state (5RR 61-62) set up a presumption of incompetence; the acknowledgment but disregard of insufficient evidence (6RR 226-227) established that normal standards of proof didn't apply; and the disparate treatment during closing arguments (7RR 7) confirmed Williams' second-class status. This progression shows how thoroughly the

constitutional violations reshaped the trial's fundamental character.

E. CLASSIFICATION OF ERROR

The judge's conduct constitutes structural error requiring automatic reversal. The Supreme Court has identified certain errors that are so fundamental they require automatic reversal because they infect the entire trial process. *Sullivan v. Louisiana*, 508 U.S. 275, 281-82 (1993). The progressive destruction of Williams' presumption of innocence, right to self-representation, and right to present a defense created the kind of "structural defect" that defies harmless error analysis.

The Court of Criminal Appeals reached a similar conclusion in *Blue*, holding that certain judicial comments are "fundamental error of constitutional dimension" requiring no objection and no harm analysis. *Blue*, 41 S.W.3d at 132. The judge's conduct here—openly acknowledging insufficient evidence while denying directed verdict and treating Williams as uniquely dangerous—strikes even more directly at constitutional protections than the comments in *Blue*.

F. HARM ANALYSIS

Although we contend this constitutional violation constitutes structural error requiring no harm analysis, the error also cannot be deemed harmless beyond reasonable doubt under TEX. R. APP. P. 44.2(a). The Supreme Court has emphasized that some constitutional errors are “so basic to a fair trial that their infraction can never be treated as harmless.” *Chapman v. California*, 386 U.S. 18, 23 (1967).

The harm began during voir dire when the judge told potential jurors that self-representation raised questions about “mental state” and “ability” (5RR 61-62). This commentary immediately tainted the jury pool’s perception of Williams’ competence and created a lens through which they would view all subsequent defense actions with inherent skepticism.

The bias intensified during the State’s case when the judge acknowledged the complete absence of robbery evidence, stating “I don't really recall hearing anything about robbery,” yet still denied the directed verdict motion (6RR 226-227). This remarkable moment signaled to the jury that technical guilt or innocence

mattered less than the judge's personal belief in Williams' general culpability.

The prejudice culminated during closing arguments when the judge imposed unique restrictions on Williams, prohibiting only him from handling evidence that the bailiff had cleared as safe while allowing the prosecution complete freedom with the same items (7RR 7). This disparate treatment provided a physical manifestation of judicial distrust directly before jury deliberations.

The impact of this progressive bias is clearly reflected in the jury's verdict pattern. They rejected the capital murder charge—showing they recognized the insufficient robbery evidence—yet still convicted on murder despite similar evidentiary weaknesses (7RR 28). This contradiction strongly suggests a verdict based on factors beyond the evidence itself, demonstrating the concrete harm of the court's persistent bias.

ISSUE NUMBER TWO

THE TRIAL COURT AND PROSECUTOR SYSTEMATICALLY VIOLATED WILLIAMS' FUNDAMENTAL RIGHT TO SELF-REPRESENTATION, GUARANTEED BY THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 10 OF THE TEXAS CONSTITUTION RESULTING IN STRUCTURAL ERROR.

Texas courts have long recognized that the right to self-representation stands among the most fundamental of constitutional protections, reflecting “that respect for the individual which is the lifeblood of the law.” *Johnson v. State*, 760 S.W.2d 277, 278 (Tex. Crim. App. 1988) (quoting *Faretta*, 422 U.S. at 834). The trial court’s systematic undermining of Williams’ right to self-representation, coupled with the prosecutor’s exploitation of this judicial skepticism, violated not just *Faretta* principles but core tenets of Texas jurisprudence protecting a defendant’s autonomy. This was in violation of the Sixth Amendment of the United States Constitution and Article I, Section 10 of the Texas Constitution. *See* U.S. CONST. amend VI; TEX. CONST. art I, § 10.

A. STANDARD OF REVIEW AND BINDING LEGAL PRECEDENT

1. Standard of Review

When reviewing alleged violations of the right to self-representation, Texas courts apply a two-step analysis. First, the court will examine whether the right was properly invoked and granted. *Hathorn v. State*, 848 S.W.2d 101, 123 (Tex. Crim. App. 1992) (en banc). Second, the court must consider whether the court impermissibly restricted the exercise of that right once granted. *Williams v. State*, 252 S.W.3d 353, 356 (Tex. Crim. App. 2008). The violation of a defendant's right to self-representation constitutes structural error requiring automatic reversal. *Medley v. State*, 47 S.W.3d 17, 23 (Tex. App.—Amarillo 2000, pet. ref'd).

2. Legal Precedent

The right to represent oneself *pro se* is an absolute right to be exercised at the defendant's choice. *Adams v. United States ex rel. McCann*, 317 U.S. 269, 279 (1942). The denial of a defendant's right to represent himself is structural error. *Fulminante*, 499 U.S. at 309-310; *Blankenship v. State*, 673 S.W.2d 578, 585 (Tex. Crim. App. 1984) (en banc). Statements made by the court and the

prosecution which disparage a defendant's right of self-representation synergistically undermine a defendant's rights and render the trial fundamentally defective.³⁷ Here, both the court and the prosecution made statements that reflected negatively upon Williams' decision to represent himself during the voir dire phase of this trial. (5RR 61-62, 105-106).

When a judge's comments deprive a defendant of his fundamental rights, he deprives the defendant of his right to a fair and impartial judge. *Blue*, 41 S.W.3d at 132. To determine whether Williams' right to self-representation was further violated, this court must also weigh the prosecution's contribution to the error. *United States v. Fernandez*, 496 F.2d 1294, 1303 (5th Cir. 1974). In *Fernandez*, the trial court's failure to charge on the presumption of innocence amplified by prosecutorial argument created a "presumption of guilt." *Fernandez*, 496 F.2d at 1303.

³⁷ *Blue*, 41 S.W.3d at 134; *United States v. Fernandez*, 496 F.2d 1294, 1303 (5th Cir. 1974); c.f. *Crocker v. State*, 248 S.W.3d 299, 306 (Tex. App.-Houston [1st Dist.] 2007 pet. ref'd) (if the prosecutor's comment affected the framework within which the trial proceeded, it would have been structural error).

B. THE SYSTEMATIC UNDERMINING OF SELF-REPRESENTATION

The assault on Williams' right to self-representation began during voir dire, when the trial court transformed what Texas courts recognize as a fundamental constitutional right into evidence of questionable mental capacity. The judge told potential jurors:

JUDGE: When a person asks to represent themselves...There are some inquiries that are made to make sure that's the appropriate thing to happen for lots of reasons, okay? There are mental state. There are ability, et cetera.

(5RR 61-62).

The Texas Court of Criminal Appeals has emphasized that once the right to self-representation is properly invoked, courts must not impose additional competency requirements beyond those necessary for standing trial. *Chadwick v. State*, 309 S.W.3d 558, 561 (Tex. Crim. App. 2010). The trial court's suggestion that self-representation itself indicated mental state concerns directly contravenes this principle.

The prosecutor immediately exploited this judicial skepticism, telling potential jurors that capital cases demand “the best of attorneys” and that “it's not just anybody fresh out of law school.” (5RR 105-106). This commentary violated the principle articulated in *Johnson* that prosecutors may not suggest that a defendant’s exercise of the right to self-representation itself indicates guilt or incompetence. *Johnson*, 760 S.W.2d at 279. Furthermore, the empirical evidence is that it is not necessarily harmful for a person to choose to represent themselves.³⁸

C. THE CONSTITUTIONAL MAGNITUDE

The Supreme Court's recent jurisprudence has increasingly emphasized the autonomy interests underlying the right to self-representation. *McCoy v. Louisiana* establishes that violating a defendant’s autonomy in presenting their own defense creates

³⁸ See Erica J. Hashimoto, Defending the Right of Self-Representation: An Empirical Look at the *Pro Se* Felony Defendant, 85 NCLR 423, 428-449 (2007) (discussing the reasons pro se defendants represent themselves and outcomes). See also *Johnson v. State*, 760 S.W.2d 277 (Tex. Crim. App. 1988) (*Pro se* litigant successfully argued against enhancement paragraphs. The Court emphasized the right to self-representation cannot be denied based on assumptions about outcome); *Burgess v. State*, 816 S.W.2d 424 (Tex. Crim. App. 1991) (*pro se* defendant obtained acquittals on some counts and the court discussed proper treatment of *pro se* defendants.).

structural error under the Sixth Amendment requiring automatic reversal. 584 U.S. 414, 422 (2018), U.S. CONST. amend VI. The violations here mirror *McCoy*'s concerns: just as *McCoy* protected a defendant's right to maintain innocence against his lawyer's contrary strategy, Williams faced systematic undermining of his defense choices through the judge's suggestions about his mental state (5RR 61-62) and the prosecutor's implications that only "the best attorneys" could handle capital cases (5RR 105-106).

D. THE INTERSECTION WITH JUDICIAL BIAS

While judicial bias pervaded the entire trial, the court's treatment of Williams' self-representation rights merits a separate constitutional analysis. The judge's skepticism about Williams' self-representation created a framework within which subsequent bias appeared justified. Yet even absent this bias, the systematic undermining of Williams' right to represent himself would independently require reversal. As the 14th Court of Appeals emphasized in *Kombudo v. State*, the right of self-representation, once properly invoked, must be protected regardless of the trial

court's views about its wisdom. 148 S.W.3d 547, 553 (Tex. App. – Houston [14th Dist.]. 2004, pet. ref'd).

E. THE NATURE OF THE ERROR

Texas courts have consistently held that violations of the right to self-representation constitute structural error requiring automatic reversal. *See Komudo*, 148 at 553. This classification reflects the fundamental nature of the right and the impossibility of measuring its violation's impact through traditional harm analysis.

The structural nature of this error becomes particularly clear when examining how the violation affected the entire framework of Williams' trial. The Court of Criminal Appeals has recognized that when a court or prosecutor transforms the exercise of a constitutional right into evidence of guilt or incompetence, it creates the kind of structural defect *See Komudo*, 148 S.W.3d at 553.

F. HARM ANALYSIS

Violations of self-representation rights constitute structural error requiring no harm analysis, the record demonstrates clear

prejudice that would mandate reversal even under traditional harm standards. A fundamental legal principle is that a defendant must be allowed to make his own choices about the proper way to protect his own liberty. *See Faretta*, 422 U.S. at 834. Because harm is irrelevant to the basis underlying the right, the Court has deemed a violation of that right structural error. *See United States v. Gonzalez-Lopez*, 548 U.S. 140, 149, n. 4, (2006). The Texas Court of Criminal Appeals has held that when analyzing harm from violations of fundamental rights, courts must consider the cumulative impact on the defendant’s ability to present his case. *Snowden v. State*, 353 S.W.3d 815, 822 (Tex. Crim. App. 2011).

The systematic undermining of Williams’ right to represent himself created a cascade of harm that fundamentally altered the trial’s dynamics. The prejudice began before evidence was even presented, when the judge transformed Williams’ constitutional right into a mark of incompetence, openly questioning his “mental state” and “ability” to the jury panel (5RR 61-62). The prosecutor immediately exploited this judicial skepticism, emphasizing that capital cases demand “the best attorneys” and that “it’s not just

anybody fresh out of law school” who can handle such cases (5RR 105-106). This one-two punch established a presumption of incompetence that colored the entire proceeding.

This initial prejudice amplified through the trial’s critical stages. During cross-examination, the court repeatedly limited Williams’ ability to challenge key testimony about the firearms evidence (6RR 219-221) and restricted his exploration of critical timeline gaps that could have supported alternative theories (6RR 110-112). These limitations proved especially damaging given that the DNA evidence actually excluded the victim from key locations in Williams’ vehicle (6RR 202).

The harm reached its apex during closing arguments when the court physically restricted Williams from handling evidence while granting the prosecution complete access to the same items (7RR 7). This visible manifestation of second-class status provided a powerful final image for jurors entering deliberations—one that directly undermined the fundamental principle that a self-represented defendant stands as an equal before the law.

The jury’s split verdict—rejecting capital murder while convicting on the lesser charge despite similar evidentiary weaknesses—powerfully demonstrates how thoroughly the undermining of Williams’ self-representation rights distorted their evaluation of the evidence (7RR 28). When a defendant’s exercise of a constitutional right becomes evidence of his guilt, the harm is both profound and undeniable.

ISSUE NUMBER THREE

THE EVIDENCE IS LEGALLY INSUFFICIENT TO SUPPORT WILLIAMS’ CONVICTION FOR EITHER CAPITAL MURDER OR MURDER, REQUIRING ACQUITTAL .

A. STANDARD OF REVIEW

In evaluating legal sufficiency, we view all evidence in the light most favorable to the verdict to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Brooks v. State*, 323 S.W.3d 893, 895 (Tex. Crim. App. 2010).

When reviewing circumstantial evidence, we must consider the combined and cumulative force of all evidence. *Hooper v. State*,

214 S.W.3d 9, 13 (Tex. Crim. App. 2007). While modern criminal law does not follow inference stacking jurisprudence, that is because it is unnecessary as the court must base its decision on the evidence and “reasonable inferences therefrom”. *Jackson*, 443 U.S. 318-19; *see also Guevara v. State*, 152 S.W.3d 45, 49 (Tex. Crim. App. 2004). And the circumstantial evidence still must *reasonably* lead a jury to conclude, based on the totality of the evidence, that murder was committed. *Guevara*, 152 S.W.3d at 49.

Williams preserved error by his timely motion for a directed verdict. A challenge to the denial of a motion for instructed verdict is a challenge to the sufficiency of the evidence. *Canales v. State*, 98 S.W.3d 690, 693 (Tex. Crim. App. 2003), cert. denied, 540 U.S. 1051 (2003).

B. ELEMENTS OF THE OFFENSES

1. Capital Murder

A person commits capital murder if he intentionally causes the death of an individual while committing or attempting to commit robbery. TEX. PEN. CODE § 19.03(a)(2). For the robbery element, the State must prove beyond reasonable doubt that

Williams formed the intent to rob the complaining witness either before or during the commission of the murder. *Robertson v. State*, 871 S.W.2d 701, 705 (Tex. Crim. App. 1993).

The Texas Court of Criminal Appeals has consistently held that evidence establishing only that property is missing after a murder cannot support a capital murder conviction. *Herrin v. State*, 125 S.W.3d 436, 441-42 (Tex. Crim. App. 2002). *Broughton* requires reversal where the State fails to establish when the intent to rob was formed. *Broughton v. Texas*, 569 S.W.3d 592, 609 (Tex. Crim. App. 2018). Here, the evidence of robbery was so lacking that even the trial judge acknowledged, “I don’t really recall hearing anything about robbery except that the man was wearing earrings.” (6RR 226-227). This case presents an even clearer basis for reversal than *Broughton*, as the State failed to present any evidence of when—or even if—a robbery occurred.

2. Murder

Murder under section 19.02(b) of the Texas Penal Code, which provides that “[a] person commits an offense if he: (1) intentionally or knowingly causes the death of an individual; [or] (2)

intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.”

TEX. PEN. CODE § 19.02(b). The evidence is insufficient to show that Williams was the person who caused the death of the complaining witness.

C. THE COMPLETE ABSENCE OF ROBBERY EVIDENCE

The analysis of the capital murder insufficiency is to show the judge’s error in not granting a directed verdict and how this funnels down to the insufficiency of the lesser included offense of murder. It is understood the jury agreed the evidence was insufficient to support a conviction for capital murder as they did not find Williams guilty of capital murder. The succinct analysis is still proper as support for other arguments.

The weakness of the State’s robbery evidence was so apparent that even the trial judge acknowledged it during the directed verdict discussion: “I’m inclined to give the lesser because I don’t really recall hearing anything about robbery except that the man was wearing earrings, I think, that his mother said when he left the house.” (6RR 226-227).

Officer Jesus Ortiz testified that when police found Ridley's body, there was no identification, cell phone, wallet, or jewelry present. (6RR 43-44). The only evidence these items ever existed came from Ms. Ridley's testimony that her son had been wearing earrings when he left the house. (6RR 111). Mario Quintanillo later testified that Ridley's phone was found abandoned near Beechnut Street and Dairy Ashford Road. (6RR 143).

The critical gaps in the timeline further undermine any inference of robbery. The State presented:

- No evidence establishing when any items allegedly went missing between the time Ridley left his home at 2:00-2:15 PM (6RR 110-112) and when his body was discovered at 4:05 PM (6RR 127)
- No proof that the items disappeared during or in connection with the shooting rather than at some other time during this nearly two-hour window
- No evidence ruling out that items could have been lost, taken by others, or missing for unrelated reasons, particularly given that the area was populated by semi trucks and backed up to a residential neighborhood with multiple points of access (6RR 32-33)

These timeline gaps are especially significant because surveillance footage shows gaps in coverage of the area. While a

burgundy Chrysler 300 was seen entering Vista Del Rancho Drive at 3:19 PM and exiting at 3:27 PM (6RR 135-137), the area had multiple access points through the residential neighborhood (6RR 32-33), making it impossible to exclude other potential explanations for the missing items.

Recent Texas precedent illuminates why the evidence here falls short of legal sufficiency. In *Baltrip v. State*, 696 S.W.3d 287 (Tex. App.—Houston [14th Dist.] 2024, pet. ref'd), this Court found sufficient evidence of robbery where the State presented outstanding evidence:

- Eyewitness testimony describing suspicious behavior immediately before and after the incident
- A clear and limited timeframe establishing when property disappeared
- Evidence excluding alternative explanations for missing items
- Physical evidence connecting the defendant to the stolen property

Baltrip upheld a conviction based on clear evidence establishing when property disappeared and evidence excluding alternative explanations. *Baltrip*, 696 S.W.3d 287. The contrast with this case is stark: here, there's a nearly two-hour window

during which items could have gone missing (6RR 110-112; 6RR 127), multiple unexplored access points to the crime scene (6RR 32-33), and no physical evidence connecting Williams to any allegedly stolen items.

The contrast with *Baltrip* underscores the State's failure to meet its burden. Where *Baltrip* presented a coherent narrative supported by multiple forms of evidence, the State's case against Williams relies solely on the mere absence of property—precisely the kind of speculative inference that Texas courts have consistently rejected as insufficient to support a conviction.

D. ANALYSIS OF LESSER-INCLUDED MURDER EVIDENCE

While the State's complete failure to prove robbery alone supports the error in not granting a directed verdict of the capital murder conviction, the evidence purportedly connecting Williams to the murder itself suffers from similar critical deficiencies. Even setting aside the robbery element, the State's murder evidence consists primarily of circumstantial connections that fail reasonably show evidence of murder. As with the robbery

evidence, this circumstantial case becomes weaker rather than stronger when examined closely.

The surveillance footage showing a burgundy Chrysler 300 in the area admittedly provides some evidence connecting Williams to the scene. The video showed such a vehicle entering Vista Del Rancho Drive at 3:19 PM and exiting at 3:27 PM. (6RR 135-137). There was no testimony of who was driving the vehicle at that time. Furthermore, Officer Ortiz testified that the area was populated by semi-trucks and backed up to a residential neighborhood with multiple points of access. (6RR 32-33).

The strongest evidence, while significant, the firearm evidence contains critical gaps that do not manage to connect it to a murder. The recovery of an AR-15 pistol from Williams' car during his arrest (6RR 102-104) occurred a full month after the shooting. (6RR 177-178). While firearms examiner Dawn LaPorte testified that one projectile matched this weapon (6RR 219-220), she could not conclusively match two cartridge casings found at the scene to Williams' firearm. (6RR 220-221). It therefore is unclear if a different firearm caused the murder.

The DNA evidence introduces reasonable doubt rather than eliminating it. Analysis of the firearm’s grip revealed a mixture “18 trillion times more likely” to have originated from Williams and an unknown individual.³⁹ (6RR 204-205). Most tellingly, DNA analysis of swabs from Williams’ car’s front passenger armrest excluded Ridley as a contributor (6RR 202), directly undermining the State’s theory about the complaining witness’s presence in Williams’ vehicle. That vehicle is what they claimed the complaining witness was riding in going to the location of his death.

E. THE INFERENCES ARE UNREASONABLE

Recent Texas jurisprudence emphasizes that when circumstantial evidence is used to convict based on speculation, it cannot support a conviction beyond reasonable doubt. *See Tate v. State*, 500 S.W.3d 410, 413 (Tex. Crim. App. 2016) *see also Hooper*, 214 S.W.3d at 16. *Hooper* requires that circumstantial evidence lead to reasonable inferences, not mere speculation. *Hooper*, 214

³⁹ Erin Bryant from the Harris County Institute of Forensic Sciences testified that it was a mixture of at least two, if not four, DNA sources, and could not point to one individual. (6RR 206).

S.W.3d at 16. Here, the State asked the jury to make multiple unreasonable speculative leaps: that Williams was driving the Chrysler 300 despite no eyewitness testimony; that Ridley was in Williams' car despite being excluded from the DNA evidence (6RR 202); and that Williams' firearm caused the death despite different casings at the scene (6RR 220-221). These are precisely the kind of speculative inferences that Hooper prohibits.

The evidence here supports the conviction was not based on reasonable inferences from the facts but was speculation:

F. CONCLUSION

The evidence was not reasonable and the circumstantial evidence was based almost entirely on speculation that was completely based on unreasonable evidence. We therefore ask this Court to reverse Williams' conviction and render a judgment of acquittal.

ISSUE FOUR

THE CONVERGENCE OF MULTIPLE CONSTITUTIONAL VIOLATIONS—JUDICIAL BIAS, DENIAL OF SELF-REPRESENTATION, AND CONVICTION ON INSUFFICIENT EVIDENCE—CREATED A STRUCTURAL DEFECT REQUIRING AUTOMATIC REVERSAL .

The convergence of constitutional violations in this case—judicial bias, denial of self-representation rights, and conviction on legally insufficient evidence—created more than cumulative error. These violations combined to create what the Texas Court of Criminal Appeals has termed “a breakdown in the framework within which guilt or innocence is determined.” *Schmutz v. State*, 440 S.W.3d 29, 39 (Tex. Crim. App. 2014) quoting *Johnson v. United States*, 520 U.S. 461, 468 (1997). This structural defect requires reversal even if individual errors might not.

A. STANDARD OF REVIEW

Texas courts distinguish between cumulative error and structural defect. Traditional cumulative error analysis examines whether multiple errors, though individually harmless, combined to deprive the defendant of a fair trial. *Chamberlain v. State*, 998 S.W.2d 230, 238 (Tex. Crim. App. 1999). However, when constitutional violations fundamentally alter the trial’s framework,

they create structural error requiring automatic reversal. *Lake v. State*, 532 S.W.3d 408, 411 (Tex. Crim. App. 2017), *see also Segovia v. State*, 543 S.W.3d 497, 502 (Tex. App. –Houston [14th Dist.].no pet.).

B. THE CREATION OF STRUCTURAL DEFECT

The Supreme Court has recognized that certain constitutional violations defy traditional harmless error analysis because they affect “the framework within which the trial proceeds.” *Weaver v. Massachusetts*, 582 U.S. 286, 295 (2017). The violations here created precisely such a framework defect. *See Crocker v. State*, 248 S.W.3d 299, 306 (Tex. App. –Houston [1st Dist.] 2007 pet. ref’d) (if the prosecutor’s comment affected the framework within which the trial proceeded, it would have been structural error).

C. THE IMPACT ON VERDICT RELIABILITY

Recent Supreme Court jurisprudence emphasizes that structural error analysis must consider how constitutional violations affect verdict reliability. In *McCoy v. Louisiana*, the Court recognized that some errors “are so intrinsically harmful as to

require automatic reversal without regard to their effect on the outcome.” *McCoy*, 584 U.S. at 426-427. The violations here—transforming self-representation into evidence of incompetence, the prosecutor joining with the judge to undermine Williams’ constitutional rights, judicial acknowledgment yet disregard of insufficient evidence, and disparate treatment during critical moments—created precisely such intrinsic harm.

Denying the directed verdict was also harmful as it signaled to the jury that the judge believed the defendant was guilty of something. This was improper and led to the eventual conviction on the lesser-included offense of murder as briefed in the other issues.

D. CONCLUSION

The Texas Constitution demands trials conducted within a framework that ensures fundamental fairness. When multiple constitutional violations combine to destroy that framework, as here, reversal becomes necessary regardless of traditional harm analysis. As *Lake* holds, “reversal is required when constitutional

violations fundamentally alter the trial's character." 532 S.W.3d at 411.

The violations here created a self-reinforcing cycle of prejudice that began during voir dire, when the judge's commentary about Williams' "mental state" and "ability" (5RR 61-62) merged with the prosecutor's assertions about needing "the best attorneys" for capital cases (5RR 105-106). This transformed Williams' exercise of his constitutional right to self-representation into evidence of both incompetence and implicit guilt.

The prejudice intensified when the judge acknowledged the insufficient robbery evidence—"I don't really recall hearing anything about robbery"—yet denied the directed verdict motion (6RR 226-227). This judicial recognition but disregard of evidentiary insufficiency signaled to jurors that their verdict could rest on perception rather than proof. The harm culminated in the court's disparate treatment during closing arguments, physically restricting only Williams from handling evidence while granting the prosecution complete access (7RR 7).

The jury's split verdict—rejecting capital murder while convicting on murder despite similar evidentiary weaknesses (7RR 28)—demonstrates how these violations distorted the trial process. When constitutional violations so thoroughly reshape the framework within which a jury evaluates evidence, the harm transcends traditional cumulative error analysis and requires automatic reversal.

CONCLUSION AND PRAYER

This case presents a series of profound constitutional violations that, both individually and in combination, require reversal. The trial court's persistent bias manifested in explicit actions that systematically undermined Williams' defense while bolstering the prosecution. From improperly denying a directed verdict despite acknowledging insufficient evidence, to treating Williams as uniquely dangerous during closing arguments, to actively suggesting prosecution strategy, the judge's conduct destroyed any possibility of a fair trial.

The violations of Williams' right to self-representation struck at core principles of individual dignity and autonomy that the Supreme Court and Texas courts have long protected. By transforming his exercise of this constitutional right into evidence of questionable mental capacity, the court and prosecutor systematically destroyed his ability to present his own defense in the manner our Constitution guarantees.

Most fundamentally, the State failed to present legally sufficient evidence to support Williams' conviction. The complete

absence of robbery evidence—acknowledged by the trial judge herself—yet allowing that to go to the jury colored the jurors view Williams must be guilty of something. While the circumstantial evidence connecting Williams to the murder was stronger, it still failed to as it was legally insufficient as required by Texas law.

The convergence of these constitutional violations created more than cumulative error—it produced a structural defect that demolished the framework within which a fair trial must proceed. When a defendant faces questioning for exercising his right to self-representation, confronts open judicial bias, and stands convicted despite acknowledged insufficient evidence, the very scaffold of constitutional protections has collapsed.

For these reasons, we pray that this Honorable Court:

First, reverse Williams’ conviction and render a judgment of acquittal based on the legal insufficiency of the evidence;

Alternatively, reverse Williams’ conviction based on the structural error created by the convergence of constitutional violations that fundamentally altered the framework of his trial;

Alternatively, reverse Williams' conviction based on the trial court's persistent bias that destroyed any possibility of a fair trial;

Alternatively, reverse Williams' conviction based on the systematic violation of his constitutional right to self-representation;

And grant such other and further relief to which Mr. Williams may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing brief was e-filed with the 14th Court of Appeals, was served electronically upon the Appellate Division of the Harris County District Attorney's Office, and was also sent on the same date by first-class mail to:

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 9.4(i)(3), the undersigned counsel certifies that this brief complies with the type-volume limitations of TEX. R. APP. P. 9.4(e)(i).

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/s/ Curtis Barton

Curtis Barton

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