

# Court of Appeals Cases - Legal Issues Analysis

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## Summary:

- Total COA Cases: 66
- Cases with Downloaded Briefs: 66
- Total Legal Issues Identified: 209

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## **Cases Assigned to Stacy Soule**

### **1. Case: [01-24-00036-CR](#)**

**Defendant:** Neumann, Jr., Frank

**Defense Counsel:** Tim B. Copeland

**County:** Bell

**Trial Court:** 264th District Court

**Judge:** Honorable Paul L. LePak

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Evidence Law - Hearsay Exceptions/Child Outcry Statements:** Whether the trial court abused its discretion in admitting a child victim's outcry statement as sufficiently reliable hearsay when the statement was made 5 years after the alleged abuse and under circumstances that may affect reliability (*Sources: State's Brief (opposing argument), Appellant's Brief (raising the issue)*)

**2. Case: [03-23-00368-CR](#)**

**Defendant:** Luckenbach, James Joseph

**Defense Counsel:** Mr. Michael Gross

**County:** Burnet

**Trial Court:** 33rd District Court

**Judge:** Honorable J. Allan Garrett

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (9):**

1. **Fifth Amendment Miranda Rights:** Whether the defendant was in custody for Miranda purposes during initial questioning by law enforcement, requiring Miranda warnings before statements could be admitted. (*Source: 03-23-00368-CR Brief - oral argument not requested 2*)
2. **Fifth Amendment Right to Counsel:** Whether the defendant unambiguously invoked his right to counsel during questioning, requiring law enforcement to cease interrogation. (*Source: 03-23-00368-CR Brief - oral argument not requested 2*)
3. **Fifth Amendment Voluntariness of Confessions:** Whether the defendant's confession was voluntary or coerced, considering the totality of circumstances including length of detention and officer conduct. (*Source: 03-23-00368-CR Brief - oral argument not requested 2*)
4. **State Statutory Confession Requirements:** Whether statements made after officer's comments about potential benefits of confessing rendered the confession involuntary under Article 38.22 of Texas Code of Criminal Procedure. (*Source: 03-23-00368-CR Brief - oral argument not requested 2*)
5. **Sixth Amendment Right to Impartial Jury:** Whether errors in jury summons procedures violated defendant's constitutional right to a fair and impartial jury drawn from a fair cross-section of the community. (*Source: 03-23-00368-CR Brief - oral argument not requested 2*)
6. **Fifth Amendment Right Against Self-Incrimination/Miranda Rights:** The defendant's statements to law enforcement should have been suppressed because he clearly invoked his right to counsel after Miranda warnings, but interrogation continued. (*Source: 03-23-00368-CR Brief - oral argument requested 1*)
7. **Fourth Amendment Custody Determination:** The defendant was in custody when he invoked his right to counsel, as he was handcuffed and detained at the sheriff's office, making his invocation of counsel legally significant. (*Source: 03-23-00368-CR Brief - oral argument requested 1*)

8. **Fifth Amendment Voluntariness of Confessions:** Law enforcement improperly induced the defendant's confession by suggesting that making a statement could improve his situation, rendering the confession involuntary. (*Source: 03-23-00368-CR Brief - oral argument requested 1*)
9. **Sixth Amendment Right to Impartial Jury:** The trial court erred in not striking the venire panel that was summoned with the wrong date, potentially affecting the defendant's right to a jury drawn from a fair cross-section of the community. (*Source: 03-23-00368-CR Brief - oral argument requested 1*)

### 3. Case: [03-23-00390-CR](#)

**Defendant:** Garcia, Roberto

**Defense Counsel:** Mr. Roberto Garcia | Mr. Vikash Bhakta

**County:** Comal

**Trial Court:** 22nd District Court

**Judge:** Honorable Dib Waldrip

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 3 briefs

#### **Legal Issues Identified (9):**

1. **Sufficiency of Evidence - Prior Conviction Element:** Whether the evidence was sufficient to prove the prior conviction was for family violence, specifically whether the State adequately proved that Olivia Garcia (victim in prior case) and Olivia Lopez (appellant's wife) were the same person. (*Sources: Original Brief, Reply Brief*)
2. **Jury Charge Error - Statutory Definitions:** Whether the trial court erred by failing to include the complete statutory definition of 'dating relationship' in the jury charge by omitting TEX. FAM. CODE § 71.0021(c) which distinguishes casual relationships from qualifying dating relationships. (*Sources: Original Brief, Reply Brief*)
3. **Evidentiary Rulings - Expert Testimony:** Whether the trial court erred in allowing expert testimony about cycles of family violence when there was no evidence of prior relationship history between complainant and appellant to make such testimony relevant. (*Sources: Original Brief, Reply Brief*)
4. **Jury Charge Error - Punishment Phase:** Whether the punishment phase jury charge was defective for failing to define 'final conviction' and require the jury to find the prior DWI convictions were final for enhancement purposes. (*Sources: Original Brief, Reply Brief*)
5. **Sufficiency of Evidence - Relationship Element:** Whether the evidence was sufficient to prove a qualifying dating relationship between appellant and complainant existed at the time of the offense. (*Sources: Original Brief, Reply Brief*)
6. **Sufficiency of Evidence:** Whether the evidence was sufficient to prove the defendant had a prior conviction for assault family violence and that he had a dating relationship with the victim (*Source: 03-23-00390-CR Brief - oral argument not requested 2*)
7. **Jury Instructions:** Whether the trial court erred in omitting Texas Family Code Section 71.0021(c) from the jury charge's definition of 'dating relationship' (*Source: 03-23-00390-CR Brief - oral argument not requested 2*)
8. **Expert Testimony Admissibility:** Whether the trial court abused its discretion by allowing Deputy Guerrettaz to testify as an expert about the cycle of family violence (*Source: 03-23-00390-CR Brief - oral argument not requested 2*)
9. **Jury Instructions - Punishment Phase:** Whether the trial court erred by not providing a technical definition of the word 'final' in the punishment phase jury charge regarding prior convictions (*Source: 03-23-00390-CR Brief - oral argument not requested 2*)

#### 4. Case: [03-23-00456-CR](#)

**Defendant:** Ballester, II, Israel

**Defense Counsel:** Mr. Kurt W. Glass | Ms. Emily Taylor | Mr. Thomas Edwin Walker

**County:** Milam

**Trial Court:** 20th District Court

**Judge:** Honorable John Youngblood

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 3 briefs

**Legal Issues Identified (1):**

1. **Jury Instructions/Self-Defense Law:** Whether the trial court erred in denying Appellant's requested jury instruction on the legal definition of provocation, which allowed the State to argue a broader common-law definition that improperly limited self-defense claims (*Sources: Reply brief, State's brief (oral argument not requested), Appellant's brief (oral argument requested)*)

#### 5. Case: [03-23-00457-CR](#)

**Defendant:** Ballester, II, Israel

**Defense Counsel:** Ms. Emily Taylor | Mr. Thomas Edwin Walker | Mr. Kurt W. Glass

**County:** Milam

**Trial Court:** 20th District Court

**Judge:** Honorable John Youngblood

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 3 briefs

**Legal Issues Identified (4):**

1. **Criminal Procedure - Jury Instructions:** Whether the trial court erred in denying defendant's requested jury instruction on the legal definition of provocation as it relates to self-defense limitations (*Sources: Appellant's Brief (argument requested), State's Brief, Reply Brief*)
2. **Constitutional Law - Right to Counsel, Due Process:** Whether the prosecutor's comments during closing arguments about defendant's presence at trial and consultation with counsel violated defendant's constitutional rights (*Sources: Appellant's Brief (argument requested), State's Brief*)
3. **Criminal Law - Sufficiency of Evidence, Self-Defense:** Whether there was legally sufficient evidence to support the jury's implicit rejection of defendant's self-defense claim regarding the shootings of Eudy and Carl, particularly given the acquittal on Shaw's murder (*Sources: Appellant's Brief (argument requested), State's Brief*)
4. **Criminal Procedure - Prosecutorial Misconduct:** Whether the State's improper arguments during closing about wife's assault and other matters constituted prosecutorial misconduct requiring reversal (*Sources: Appellant's Brief (argument requested), State's Brief*)

## 6. Case: [03-23-00482-CR](#)

**Defendant:** Villarreal, Elias

**Defense Counsel:** Mr. Steven Greene

**County:** Hays

**Trial Court:** 274th District Court

**Judge:** Honorable Gary L. Steel

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (7):**

1. **Sufficiency of Evidence - Voluntariness:** Whether there was legally sufficient evidence to prove Officer Seagrave's injury was the result of a voluntary act by Appellant, rather than an involuntary reflex reaction when surprised from behind. (*Sources: Appellant's Brief, State's Response Brief*)
2. **Sufficiency of Evidence - Intent:** Whether there was legally sufficient evidence to prove Appellant intended to cause bodily injury to Officer Seagrave, as required for aggravated assault on a public servant. (*Sources: Appellant's Brief, State's Response Brief*)
3. **Sufficiency of Evidence - Resisting Arrest:** Whether there was sufficient evidence to support conviction for resisting arrest with a deadly weapon, specifically regarding use of force against an officer. (*Sources: Appellant's Brief, State's Response Brief*)
4. **Jury Charge Error:** Whether the jury charge application paragraph erroneously omitted the element requiring force 'against the peace officer' for resisting arrest charge. (*Sources: Appellant's Brief, State's Response Brief*)
5. **Jury Charge Error:** Whether including voluntary intoxication instruction in jury charge was improper when no evidence of intoxication was presented. (*Sources: Appellant's Brief, State's Response Brief*)
6. **Evidentiary Rulings:** Whether the trial court erred in excluding audio evidence of Appellant's statements about wanting officers to shoot him, which was relevant to his mental state. (*Sources: Appellant's Brief, State's Response Brief*)
7. **Sufficiency of Evidence - Deadly Weapon:** Whether there was sufficient evidence to prove the metal pipe qualified as a deadly weapon as used in this case. (*Sources: Appellant's Brief, State's Response Brief*)

## 7. Case: [03-23-00500-CR](#)

**Defendant:** Smith, Branden L.

**Defense Counsel:** Mr. Dal Ruggles

**County:** Williamson

**Trial Court:** 26th District Court

**Judge:** Honorable Donna Gayle King

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (1):**

1. **Sufficiency of Evidence - Self Defense:** Whether the evidence presented at trial was legally sufficient to support the jury's rejection of the defendant's self-defense claim in the murder conviction (*Sources: Appellant's Brief (Smith), State's Response Brief*)

## 8. Case: [03-23-00521-CR](#)

**Defendant:** Taylor, Scott

**Defense Counsel:** Mr. Billy McNabb | Mr. Stanley G. Schneider

**County:** Travis

**Trial Court:** 390th District Court

**Judge:** Honorable Julie H. Kocurek

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Fourth Amendment Search and Seizure - Probable Cause for Search Warrant:** Whether the magistrate had a substantial basis for concluding probable cause existed to issue a blood draw warrant based on the facts contained within the four corners of the search warrant affidavit.  
(*Sources: Appellant's Brief, State's Brief*)

## 9. Case: [03-23-00600-CR](#)

**Defendant:** White, Deondre

**Defense Counsel:** Mr. Gary E. Prust

**County:** Travis

**Trial Court:** 331st District Court

**Judge:** Honorable Brad Urrutia

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Sufficiency of Evidence - Self-Defense Justification:** Whether the evidence was sufficient to support the jury's rejection of the defendant's self-defense and defense of others claims in a murder case where the defendant fired multiple shots on a crowded street, killing a bystander.  
(*Sources: Appellant's Brief (Defense), State's Brief (Prosecution)*)

## 10. Case: [03-23-00646-CR](#)

**Defendant:** Stewart, Jason Caine

**Defense Counsel:** Mr. John Lamerson

**County:** Hays

**Trial Court:** 207th District Court

**Judge:** Honorable Tracie Wright-Reneau

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (5):**

1. **Ineffective Assistance of Counsel - Evidence Objections:** Whether trial counsel provided ineffective assistance by failing to object to admission of extraneous offense evidence and prior bad acts testimony (*Sources: Appellant's Brief (requesting oral argument), State's Response Brief*)
2. **Ineffective Assistance of Counsel - Sentencing:** Whether trial counsel provided ineffective assistance by requesting community supervision when defendant was ineligible due to prior conviction (*Sources: Appellant's Brief (requesting oral argument), State's Response Brief*)
3. **Jury Selection/Voir Dire:** Whether the trial court erred in denying defendant's challenge for cause of a juror who expressed potential bias regarding family violence cases (*Sources: Appellant's Brief (requesting oral argument), State's Response Brief*)
4. **Evidence - Authentication:** Whether the trial court abused its discretion in admitting unauthenticated photographs of text messages and phone calls allegedly from defendant (*Sources: Appellant's Brief (requesting oral argument), State's Response Brief*)
5. **Evidence - Relevance/Rule 401:** Whether the trial court erred in admitting testimony about defendant's behavior after the offense as irrelevant evidence (*Sources: Appellant's Brief (requesting oral argument), State's Response Brief*)

**11. Case: [03-23-00662-CR](#)**

**Defendant:** Pettway, Eric

**Defense Counsel:** Ms. Lisa M. Mims

**County:** Travis

**Trial Court:** 460th District Court

**Judge:** Honorable Selena Alvarenga

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Equal Protection/Jury Selection - Batson Challenge:** Whether the trial court erred in denying the defendant's Batson challenge regarding the State's use of peremptory strikes to remove all African American jurors from the jury panel (*Sources: Appellant's Brief (Defense) - argues the Batson challenge should have been granted as the State failed to provide adequate race-neutral reasons and failed to question the struck jurors, State's Brief - argues the trial court properly denied the Batson challenge as the State provided legitimate race-neutral reasons for strikes and defense failed to prove purposeful discrimination*)

**12. Case: [03-23-00746-CR](#)**

**Defendant:** Johnson, II, James Charles

**Defense Counsel:** Mr. Tim B. Copeland

**County:** Bell

**Trial Court:** 426th District Court



**Judge:** Honorable Steven J. Duskie

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Sufficiency of Evidence - Essential Elements:** Whether there was legally sufficient evidence to prove beyond a reasonable doubt that Johnson caused bodily injury to the victim, specifically whether the evidence established that the slap caused physical pain or injury. (*Sources: Appellant's Brief, State's Response Brief*)

### **13. Case: [03-23-00772-CR](#)**

**Defendant:** Santee, Erik Neil

**Defense Counsel:** Jeffrey Hindman | Ms. Susan Schoon

**County:** Hays

**Trial Court:** 453rd District Court

**Judge:** Honorable Sherri Tibbe

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (4):**

1. **First Amendment - Freedom of Speech:** Whether Texas Penal Code § 42.07(a)(7) (harassment statute) is unconstitutional because it regulates protected speech despite being characterized as regulating only conduct by Texas courts (*Sources: Appellant's Brief, State's Brief in Response*)
2. **First Amendment - Freedom of Speech:** Whether Texas Penal Code § 42.072 (stalking statute) is unconstitutional because it incorporates the allegedly unconstitutional harassment statute § 42.07(a)(7) (*Sources: Appellant's Brief, State's Brief in Response*)
3. **First Amendment - True Threats Doctrine:** Whether Texas Penal Code § 42.072 violates the First Amendment by punishing 'true threats' based on a negligence standard rather than requiring at least recklessness as required by *Counterman v. Colorado* (*Sources: Appellant's Brief, State's Brief in Response*)
4. **First Amendment - Void for Vagueness/Overbreadth:** Whether § 42.07(a)(7) is unconstitutionally vague and overbroad in violation of the First Amendment due to its broad reach and imprecise terms (*Sources: Appellant's Brief, State's Brief in Response*)

### **14. Case: [03-23-00774-CR](#)**

**Defendant:** Torres, Jorge

**Defense Counsel:** Mr. Gary E. Prust

**County:** Travis

**Trial Court:** 403rd District Court

**Judge:** Honorable Brandy Mueller

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Sufficiency of Evidence - Criminal Intent:** Whether there was sufficient evidence to prove the defendant had the specific intent to abduct another person by secreting or holding them in a place where they would not likely be found. (*Sources: Appellant's Brief (Defense), State's Brief (Prosecution)*)

## **15. Case: [03-23-00785-CR](#)**

**Defendant:** Mitchell, Jr., Albert

**Defense Counsel:** Mr. Aaron Spolin | Ms. Jessica Freud

**County:** Bell

**Trial Court:** 27th District Court

**Judge:** Honorable The Honorable John Gauntt

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (4):**

1. **Sufficiency of Evidence:** Whether there was sufficient evidence to support the convictions for aggravated assault with a deadly weapon and injury to an elderly individual, particularly regarding the use of a knife and the victim's age (*Sources: Appellant's Brief, State's Response Brief*)
2. **Jury Instructions - Self Defense:** Whether the trial court erred in denying defendant's request for a self-defense jury instruction given evidence of injuries to both parties (*Sources: Appellant's Brief, State's Response Brief*)
3. **Charging Instrument Amendment:** Whether the trial court improperly permitted the State to amend the charging instrument during trial by modifying how the aggravated assault charge was described (*Sources: Appellant's Brief, State's Response Brief*)
4. **Evidence - Hearsay/Excited Utterance Exception:** Whether the trial court erred in admitting Bobby Mitchell's statements to police as excited utterances over hearsay objection (*Sources: Appellant's Brief, State's Response Brief*)

## **16. Case: [03-23-00792-CR](#)**

**Defendant:** Armstrong, Kaitlin

**Defense Counsel:** Ms. Jessica Freud

**County:** Travis

**Trial Court:** 403rd District Court

**Judge:** Honorable Brenda Kennedy

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 3 briefs

**Legal Issues Identified (7):**

1. **Due Process/Right to Post-Trial Proceedings:** The trial court erred in failing to hold an evidentiary hearing on the motion for new trial regarding ineffective assistance of counsel claims and false expert testimony allegations. (*Source: 03-23-00792-CR Brief - oral argument requested 1*)
2. **Ineffective Assistance of Counsel:** Trial counsel provided ineffective assistance during the punishment phase by failing to investigate and present available mitigating evidence, leading to a near-maximum 90-year sentence. (*Source: 03-23-00792-CR Brief - oral argument requested 1*)
3. **Due Process/False Expert Testimony:** The state's rebuttal expert Dr. Kalafut gave materially false testimony regarding DNA activity-level propositions and his qualifications to testify about DNA transfer analysis. (*Source: 03-23-00792-CR Brief - oral argument requested 1*)
4. **Fifth Amendment/Miranda Rights:** The trial court erred in denying motion to suppress defendant's statements made during custodial interrogation without Miranda warnings and after invoking right to counsel. (*Source: 03-23-00792-CR Brief - oral argument requested 1*)
5. **Ineffective Assistance of Counsel - Punishment Phase:** The State argues that trial counsel's limited communication with potential mitigation witnesses was sufficient, while the defense contends cursory group interviews were inadequate to uncover sensitive mitigation evidence about family dysfunction and alcoholism (*Sources: State's Brief, Reply Brief*)
6. **Due Process - False Expert Testimony:** The parties dispute whether Dr. Kalafut's DNA activity level proposition testimony was novel and unprecedented in Texas courts, with the defense citing a Forensic Science Commission report confirming this was the first such testimony in Texas (*Sources: State's Brief, Reply Brief*)
7. **Due Process - Right to Post-Trial Proceedings:** The defense argues that appellant's affidavits and counsel's verification were sufficient to warrant a hearing, while the State contends the motion was procedurally defective for lacking trial counsel's affidavit (*Sources: State's Brief, Reply Brief*)

## 17. Case: [03-23-00804-CR](#)

**Defendant:** Willrich, Lapear O'Neal

**Defense Counsel:** Ms. Linda Icenhauer-Ramirez

**County:** Hays

**Trial Court:** 453rd District Court

**Judge:** Honorable Sherri Tibbe

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (4):**

1. **Evidence - Hearsay/Party Opponent Statements:** Whether the trial court erred in admitting statements made by a passenger in the car after the murder as statements of a party opponent under Texas Rule of Evidence 801(e)(2) when the speaker's identity was disputed. (*Sources: Appellant's Brief (requesting oral argument), State's Brief (opposing)*)
2. **Constitutional Law - Sixth Amendment Confrontation Clause:** Whether appellant's Sixth Amendment right to confrontation was violated when the court allowed Detective Aubry to testify about co-defendant Jervis's statements identifying appellant and admitted a paper with appellant's name written by Jervis. (*Sources: Appellant's Brief (requesting oral argument), State's Brief (opposing)*)
3. **Criminal Law - Sufficiency of Evidence:** Whether the evidence was legally sufficient to prove beyond a reasonable doubt that appellant was one of the perpetrators of the capital murder when there was no physical evidence linking him to the crime. (*Sources: Appellant's Brief (requesting oral argument), State's Brief (opposing)*)

4. **Appellate Procedure - Judgment Correction:** Whether a clerical error in the judgment stating appellant waived his right to appeal should be corrected by the Court of Appeals. (*Sources: Appellant's Brief (requesting oral argument), State's Brief (opposing)*)

## 18. Case: [03-24-00072-CR](#)

**Defendant:** Correa, Alexandro

**Defense Counsel:** Mr. Michael Watson | Mr. Gary E. Prust

**County:** Travis

**Trial Court:** 147th District Court

**Judge:** Honorable P. David Wahlberg

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (6):**

1. **Sufficiency of Evidence - Mental State:** Whether the evidence was sufficient to prove the defendant acted with the required culpable mental state (knowingly) in committing the offense of stalking (*Source: 03-24-00072-CR Brief - oral argument not requested 2*)
2. **Indictment Amendment/Modification:** Whether the trial court erred by allowing the State to abandon the 'should have known' language from the indictment, leaving only the 'knowingly' mental state requirement (*Source: 03-24-00072-CR Brief - oral argument not requested 2*)
3. **Jury Charge Error:** Whether the trial court fundamentally erred by including complete statutory definitions of culpable mental states in the jury charge rather than limiting them to the specific type of conduct at issue (*Source: 03-24-00072-CR Brief - oral argument not requested 2*)
4. **Sufficiency of Evidence - Mental State:** Whether there was sufficient evidence to prove defendant had the requisite mental state (intentionally or knowingly) to commit stalking, particularly regarding his intent to cause fear or alarm (*Source: 03-24-00072-CR Brief - oral argument not requested 1*)
5. **Indictment Amendment - Due Process:** Whether the trial court erred in permitting the State to amend the indictment after trial commenced by removing the 'reasonably should have known' mental state element over defendant's objection (*Source: 03-24-00072-CR Brief - oral argument not requested 1*)
6. **Jury Charge Error - Mental State Instructions:** Whether the trial court erred by including both 'nature of conduct' and 'result of conduct' language in the jury charge's mental state definitions, when stalking is solely a result-oriented offense (*Source: 03-24-00072-CR Brief - oral argument not requested 1*)

## 19. Case: [03-24-00082-CR](#)

**Defendant:** Hoover, Rian

**Defense Counsel:** Ms. Tara Lynn Witt

**County:** Travis

**Trial Court:** 460th District Court

**Judge:** Honorable Selena Alvarenga

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (11):**

1. **Sufficiency of Evidence - Mens Rea:** The State failed to prove the required knowing mental state (mens rea) element for stalking, as the evidence did not show defendant knew his actions would be threatening or harassing. *(Source: 03-24-00082-CR Brief - oral argument requested 1)*
2. **Ineffective Assistance of Counsel:** Trial counsel provided ineffective assistance by failing to review discovery materials, investigate allegations, and present key defense evidence, which prejudiced the defendant's case. *(Source: 03-24-00082-CR Brief - oral argument requested 1)*
3. **Ineffective Assistance of Counsel - Preservation of Error:** Trial counsel's repeated failure to object to inadmissible evidence and preserve issues for appeal constituted deficient performance that harmed the defendant. *(Source: 03-24-00082-CR Brief - oral argument requested 1)*
4. **Motion for New Trial - Abuse of Discretion:** The trial court abused its discretion by allowing the motion for new trial to be denied by operation of law without a hearing, preventing development of the ineffective assistance claims. *(Source: 03-24-00082-CR Brief - oral argument requested 1)*
5. **Evidentiary Rulings - Relevance and Prejudice:** The trial court erred by admitting irrelevant and unfairly prejudicial evidence about protective orders and civil lawsuits that inflamed the jury's emotions. *(Source: 03-24-00082-CR Brief - oral argument requested 1)*
6. **Constitutional Law - First Amendment:** The Texas stalking statute is unconstitutionally overbroad under the First Amendment as it criminalizes protected speech, particularly after the Supreme Court's Counterman decision. *(Source: 03-24-00082-CR Brief - oral argument requested 1)*
7. **Sufficiency of Evidence:** Whether there was sufficient evidence to prove the defendant knowingly engaged in conduct that constituted stalking, particularly regarding his mental state and pattern of conduct directed at the victim. *(Source: 03-24-00082-CR Brief - oral argument not requested 2)*
8. **Ineffective Assistance of Counsel - Trial Preparation:** Whether trial counsel was ineffective for failing to adequately review discovery, investigate allegations, and present defendant's side of the story during trial. *(Source: 03-24-00082-CR Brief - oral argument not requested 2)*
9. **Ineffective Assistance of Counsel - Trial Performance:** Whether trial counsel was ineffective for failing to object to certain evidence and failing to advance constitutional challenges to the stalking statute. *(Source: 03-24-00082-CR Brief - oral argument not requested 2)*
10. **Post-Trial Procedure:** Whether the trial court erred in declining to hold a hearing on defendant's motion for new trial regarding claims of ineffective assistance of counsel. *(Source: 03-24-00082-CR Brief - oral argument not requested 2)*
11. **Evidentiary Rulings:** Whether the trial court erred in admitting evidence of protective orders, civil lawsuits, and a welfare check over defense objections that such evidence was unfairly prejudicial. *(Source: 03-24-00082-CR Brief - oral argument not requested 2)*

## **20. Case: [03-24-00087-CR](#)**

**Defendant:** Barrera, Tony Robert

**Defense Counsel:** Mr. Michael C. Shulman

**County:** Hays

**Trial Court:** 453rd District Court

**Judge:** Honorable Sherri Tibbe

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (5):**

1. **Fourth Amendment Search and Seizure & Preservation of Error:** Whether the defendant properly preserved for appeal his objection to the legality of law enforcement's protective sweep of his hotel room where contraband was found. (*Source: 03-24-00087-CR Brief - oral argument not requested 2*)
2. **Fourth Amendment Search and Seizure & Exclusionary Rule:** Whether the defendant preserved objections to evidence discovered pursuant to a search warrant that was based on observations from the protective sweep under the fruit of the poisonous tree doctrine. (*Source: 03-24-00087-CR Brief - oral argument not requested 2*)
3. **Fourth Amendment Search and Seizure:** Whether law enforcement's protective sweep of hotel room 304 was illegal when conducted without evidence of danger or exigent circumstances after defendant was already arrested and in custody (*Source: 03-24-00087-CR Brief - oral argument not requested 1*)
4. **Fourth Amendment Exclusionary Rule:** Whether evidence obtained through search warrant based on observations from the allegedly illegal protective sweep should have been suppressed as fruit of the poisonous tree (*Source: 03-24-00087-CR Brief - oral argument not requested 1*)
5. **Fourth Amendment Probable Cause:** Whether there was sufficient nexus between defendant and hotel room 304 to establish probable cause for the search warrant, given lack of direct evidence connecting defendant to the room prior to the protective sweep (*Source: 03-24-00087-CR Brief - oral argument not requested 1*)

**21. Case: [03-24-00090-CR](#)**

**Defendant:** Martinez, Manuel Gasper

**Defense Counsel:** Mr. Manuel Gasper Martinez

**County:** Travis

**Trial Court:** 331st District Court

**Judge:** Honorable Chantal Eldridge

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 3 briefs

**Legal Issues Identified (4):**

1. **Post-Conviction DNA Testing (Chapter 64):** Whether the trial court erred in denying DNA testing of a belt allegedly used as a weapon, when appellant claims testing could prove exculpatory and establish reasonable doubt about his guilt (*Sources: Appellant's Brief, State's Brief, Appellant's Reply Brief*)
2. **Constitutional Due Process:** Whether appellant was denied due process by not being given an opportunity to rebut the State's response before the trial court ruled on the DNA testing motion (*Sources: Appellant's Brief, State's Brief*)
3. **Right to Counsel in Post-Conviction Proceedings:** Whether the trial court erred in denying appointment of counsel for the DNA testing motion when appellant claims reasonable grounds exist for the motion (*Sources: Appellant's Brief, State's Brief*)
4. **Post-Conviction DNA Testing Requirements:** Whether appellant met the Chapter 64 requirements by showing biological material exists and testing would establish a greater than 50% likelihood of non-conviction (*Sources: State's Brief, Appellant's Reply Brief*)



## 22. Case: [03-24-00101-CR](#)

**Defendant:** Pearson, Nathaniel

**Defense Counsel:** Ms. Lisa M. Mims

**County:** Williamson

**Trial Court:** 26th District Court

**Judge:** Honorable Donna Gayle King

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 3 briefs

### **Legal Issues Identified (4):**

1. **Due Process - Right to Present Defense Evidence:** Whether the trial court improperly limited expert testimony about the defendant's mental health diagnosis and its relationship to the offense, preventing him from presenting his defense (*Sources: Appellant's Brief, Appellant's Reply Brief, State's Response Brief*)
2. **Ineffective Assistance of Counsel:** Whether trial counsel provided ineffective assistance by failing to properly designate the defendant's doctor as an expert witness before the punishment hearing, which limited the scope of testimony about mental health (*Sources: Appellant's Brief, Appellant's Reply Brief, State's Response Brief*)
3. **Waiver of Rights - Effect of Guilty Plea:** Whether entering an open guilty plea waived the defendant's right to challenge limitations on mental health evidence during punishment phase (*Sources: State's Response Brief*)
4. **Ineffective Assistance of Counsel - Strategic Decisions:** Whether trial counsel's strategic decision to limit doctor's testimony to fact witness rather than expert testimony constituted deficient performance under Strickland (*Sources: State's Response Brief*)

## 23. Case: [03-24-00109-CR](#)

**Defendant:** Johnson, Noah Michael

**Defense Counsel:** Mr. Larry Dean Bloomquist | Ms. Cathy S. Compton

**County:** Comal

**Trial Court:** 22nd District Court

**Judge:** Honorable R. Bruce Boyer

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (2):**

1. **Constitutional Law - Sixth Amendment Right to Speedy Trial:** Whether the trial court erred in denying defendant's motion to dismiss for violation of his constitutional right to a speedy trial after a six-year delay between arrest and trial, including consideration of COVID-19 pandemic delays (*Sources: State's Brief (not requesting oral argument), Appellant's Brief (requesting oral argument)*)
2. **Criminal Procedure - Statute of Limitations:** Whether the trial court erred in denying defendant's habeas corpus petition challenging the statute of limitations on three new counts

added in a subsequent indictment, specifically whether the original indictment tolled the statute of limitations for these additional charges under Texas Code of Criminal Procedure Article 12.05(b) (*Sources: State's Brief (not requesting oral argument), Appellant's Brief (requesting oral argument)*)

## **24. Case: [03-24-00123-CR](#)**

**Defendant:** Oviedo, Jonathan Ruiz

**Defense Counsel:** Ms. Lisa M. Mims

**County:** Williamson

**Trial Court:** 368th District Court

**Judge:** Honorable Sarah Soeldner Bruchmiller

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (1):**

1. **Evidence Law - Impeachment Evidence:** Whether the trial court erred in excluding evidence of the victim's prior criminal history (theft convictions) for impeachment purposes under Texas Rule of Evidence 609 (*Sources: Appellant's Brief (Defense), State's Response Brief*)

## **25. Case: [03-24-00136-CR](#)**

**Defendant:** Velasquez, Raymond V.

**Defense Counsel:** Ms. Erika Copeland

**County:** Bell

**Trial Court:** 264th District Court

**Judge:** Honorable Paul L. LePak

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (8):**

1. **Sufficiency of Evidence:** Whether there was sufficient evidence to prove the defendant was the person who created fake social media profiles and sent messages impersonating the victim DeLeon on the Plenty of Fish dating website (*Source: 03-24-00136-CR Brief - oral argument not requested 1*)

2. **Evidence Law - Relevance:** Whether the trial court erred in admitting text messages received by the victim's sister as evidence when the messages were allegedly irrelevant to proving the elements of the charged offense (*Source: 03-24-00136-CR Brief - oral argument not requested 1*)

3. **Evidence Law - Authentication:** Whether the trial court erred in admitting text messages (State's Exhibits 4 and 5) without proper authentication establishing they were actually sent by the defendant (*Source: 03-24-00136-CR Brief - oral argument not requested 1*)

4. **Constitutional Law - Confrontation Clause:** Whether admission of unauthenticated text messages violated defendant's constitutional right to confront and cross-examine the actual author of the messages (*Source: 03-24-00136-CR Brief - oral argument not requested 1*)



5. **Sufficiency of Evidence:** Whether there was sufficient evidence to support the jury's verdict that the defendant created a fake dating profile to impersonate and intimidate the victim (*Source: 03-24-00136-CR Brief - oral argument not requested 2*)

6. **Evidence Authentication and Relevance:** Whether text messages (State's Exhibits 4 and 5) were properly authenticated and relevant to be admitted into evidence (*Source: 03-24-00136-CR Brief - oral argument not requested 2*)

7. **Constitutional Law - Confrontation Clause:** Whether the admission of text messages (State's Exhibits 4 and 5) violated the defendant's Confrontation Clause rights under the Sixth Amendment (*Source: 03-24-00136-CR Brief - oral argument not requested 2*)

8. **Harmless Error Analysis:** Whether any potential error in admitting State's Exhibits 4 and 5 was harmless given other evidence admitted without objection (*Source: 03-24-00136-CR Brief - oral argument not requested 2*)

## 26. Case: [03-24-00266-CR](#)

**Defendant:** Michael, Ryon O'Neil

**Defense Counsel:** Mr. Donald B. Edwards

**County:** Hays

**Trial Court:** 483rd District Court

**Judge:** Honorable Tanner Neidhardt

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (4):**

1. **Sufficiency of Evidence - Drug Possession:** Whether there was sufficient evidence to prove beyond a reasonable doubt that the defendant possessed more than 4 grams of methamphetamine, particularly regarding linking the drugs found in motel room 213 to the defendant (*Sources: Appellant's Brief (oral argument requested), State's Brief (oral argument not requested)*)

2. **Sufficiency of Evidence - Intent to Deliver:** Whether there was sufficient evidence to prove beyond a reasonable doubt that the defendant possessed methamphetamine with intent to deliver rather than for personal use (*Sources: Appellant's Brief (oral argument requested), State's Brief (oral argument not requested)*)

3. **Sufficiency of Evidence - Identity for Enhancement:** Whether there was sufficient evidence to prove beyond a reasonable doubt that the defendant was the same person convicted in the prior felony cases used for enhancement purposes (*Sources: Appellant's Brief (oral argument requested), State's Brief (oral argument not requested)*)

4. **Evidence - Authentication and Admissibility:** Whether the trial court erred in admitting the jail booking report packet (State's Exhibit P1) without requiring proof of chain of custody (*Sources: Appellant's Brief (oral argument requested), State's Brief (oral argument not requested)*)

## 27. Case: [03-24-00317-CR](#)

**Defendant:** Spink, William Eric

**Defense Counsel:** Mr. William Eric Spink | Mr. Vikash Bhakta

**County:** Hays

**Trial Court:** 453rd District Court

**Judge:** Honorable Sherri Tibbe

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

**Legal Issues Identified (9):**

1. **Due Process - Competency to Stand Trial:** Trial court denied competency evaluation despite appellant's explicit confusion and mental health history, violating due process requirements for competency determinations (*Source: 03-24-00317-CR Brief - oral argument not requested 2*)
2. **Due Process - Protective Orders:** Emergency protective order with GPS monitoring was imposed without proper hearing or service, rendering it procedurally defective and unenforceable (*Source: 03-24-00317-CR Brief - oral argument not requested 2*)
3. **Fourth Amendment Search and Seizure:** Cellphones were seized without warrant or exception to warrant requirement, violating Fourth Amendment protections (*Source: 03-24-00317-CR Brief - oral argument not requested 2*)
4. **Sixth Amendment Confrontation Clause:** Trial court improperly limited cross-examination of key witnesses, violating confrontation rights (*Source: 03-24-00317-CR Brief - oral argument not requested 2*)
5. **Sixth Amendment Right to Impartial Jury:** Court failed to strike jurors who explicitly stated bias against defendant's appearance and failed to presume innocence (*Source: 03-24-00317-CR Brief - oral argument not requested 2*)
6. **Prosecutorial Misconduct:** Prosecutor made improper statements about uncharged conduct and mischaracterized reasonable doubt standard during arguments (*Source: 03-24-00317-CR Brief - oral argument not requested 2*)
7. **Evidence - Authentication:** State failed to properly authenticate jail calls, text messages and photographs before admission into evidence (*Source: 03-24-00317-CR Brief - oral argument not requested 2*)
8. **Sixth Amendment Ineffective Assistance of Counsel:** Defense counsel failed to object to inadmissible evidence and challenge constitutional violations, falling below professional standards (*Source: 03-24-00317-CR Brief - oral argument not requested 2*)
9. **Due Process - Brady Violations:** State withheld potentially exculpatory evidence including body camera footage and cellphone videos (*Source: 03-24-00317-CR Brief - oral argument not requested 2*)

**28. Case: [03-24-00350-CR](#)**

**Defendant:** Ramos, Jr., Jose Hector

**Defense Counsel:** Mr. Vikash Bhakta

**County:** Hays

**Trial Court:** 274th District Court

**Judge:** Honorable Gary L. Steel

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Sufficiency of Evidence:** Whether there was legally sufficient evidence to support the defendant's convictions for aggravated assault with a deadly weapon and unlawful possession of a

firearm by a felon, particularly regarding identification of the firearm and proof it was a real weapon. (Sources: Appellant's Brief (Defense), State's Response Brief)

## 29. Case: [03-24-00357-CR](#)

**Defendant:** Boehm, Dana

**Defense Counsel:** Mr. Robert Daniel

**County:** Williamson

**Trial Court:** County Court at Law No. 5

**Judge:** Honorable Will Ward

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (7):**

1. **Sufficiency of Evidence:** The evidence is legally insufficient to support appellant's conviction for animal cruelty because the State failed to prove appellant knowingly failed to provide necessary care to the animal. (Source: 03-24-00357-CR Brief - oral argument requested 1)
2. **Jury Instruction Error:** The trial court erred by instructing the jury it could convict based on prescribing/administering medications, which is an act rather than an omission and cannot constitute an offense under Tex. Pen. Code Sec. 42.092(b)(3). (Source: 03-24-00357-CR Brief - oral argument requested 1)
3. **Jury Instruction Error - Mens Rea:** The trial court erred by instructing the jury it could convict based on reckless conduct when the reckless mental state cannot legally apply to the nature-of-conduct element of this offense. (Source: 03-24-00357-CR Brief - oral argument requested 1)
4. **Statutory Interpretation/Sufficiency of Evidence:** The State improperly conflated professional veterinary care standards with the 'necessary care' element required by the criminal statute, failing to prove the latter beyond reasonable doubt. (Source: 03-24-00357-CR Brief - oral argument requested 1)
5. **Sufficiency of Evidence - Criminal Animal Cruelty:** Whether there was sufficient evidence to prove the defendant failed to provide necessary care to an animal in her custody by failing to remove the animal from waste, failing to care for wounds, and administering contraindicated medications. (Source: 03-24-00357-CR Brief - oral argument not requested 2)
6. **Statutory Interpretation - Criminal Law:** Whether the trial court erred in including prescribing/administering contraindicated medications as a manner and means of committing animal cruelty, when the statute requires a 'failure to provide care' rather than an affirmative act. (Source: 03-24-00357-CR Brief - oral argument not requested 2)
7. **Criminal Jury Instructions - Mental States:** Whether the trial court erred in including 'recklessly' as a culpable mental state in the jury instructions for animal cruelty, when appellant argues the offense can only be committed intentionally or knowingly. (Source: 03-24-00357-CR Brief - oral argument not requested 2)

## 30. Case: [03-24-00363-CR](#)

**Defendant:** Stephens, Jordan

**Defense Counsel:** Mr. Dal Ruggles

**County:** Bell

**Trial Court:** County Court at Law No. 2

**Judge:** Honorable John Michael Mischian

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

**Legal Issues Identified (1):**

1. **Sufficiency of Evidence - DWI:** The evidence was legally insufficient to prove intoxication at the time of driving, as the State failed to establish a temporal link between the defendant's alcohol consumption and operation of the vehicle. (*Source: 03-24-00363-CR Brief - oral argument not requested 1)*)

### **31. Case: [03-24-00379-CR](#)**

**Defendant:** Prall, Michael Christopher

**Defense Counsel:** Mr. David Brett Mansur

**County:** Williamson

**Trial Court:** 368th District Court

**Judge:** Honorable Sarah Soeldner Bruchmiller

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (3):**

1. **Criminal Sentencing - Cumulation of Sentences:** Whether the trial court erred in ordering consecutive sentences for offenses arising from the same criminal episode, when Texas Penal Code §3.03(a) generally requires concurrent sentences unless specific exceptions apply (*Sources: Appellant's Brief (filed 8/27/2024), State's Response Brief (filed 9/12/2024)*)
2. **Criminal Procedure - Oral Pronouncement of Sentence:** Whether the trial court's failure to orally pronounce the cumulation order during sentencing, while including it in the written judgment, constitutes reversible error (*Sources: Appellant's Brief (filed 8/27/2024)*)
3. **Criminal Procedure - Waiver of Rights:** Whether defendant's express agreement to consecutive sentences in the original plea agreement constitutes a valid waiver of his right to challenge the cumulation order (*Sources: State's Response Brief (filed 9/12/2024)*)

### **32. Case: [03-24-00384-CR](#)**

**Defendant:** Lopez, Francisco

**Defense Counsel:** Ms. Jessica Freud

**County:** Travis

**Trial Court:** 299th District Court

**Judge:** Honorable Michael Keasler

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Sufficiency of Evidence - Affirmative Defense:** Whether the evidence was legally and factually sufficient to support the jury's rejection of the defendant's affirmative defense of duress, where defendant claimed he was compelled to participate in the murder due to threats against his family from a drug supplier (*Sources: Appellant's Brief, State's Brief*)

### 33. Case: [03-24-00386-CR](#)

**Defendant:** Barhona, Edgar

**Defense Counsel:** Mr. Robert Daniel

**County:** Travis

**Trial Court:** 403rd District Court

**Judge:** Honorable Brandy Mueller

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

#### **Legal Issues Identified (5):**

1. **Self-Defense Jury Instructions:** The trial court incorrectly instructed the jury that multiple assailants theory only applied if all assailants were 'present and acting together to attack,' contrary to established law that allows defense against any member of an attacking group. (*Source: 03-24-00386-CR Brief - oral argument requested 1*)
2. **Self-Defense Jury Instructions:** The trial court erroneously included provocation instructions in the jury charge when there was no evidence presented at trial suggesting the defendant provoked the conflict. (*Source: 03-24-00386-CR Brief - oral argument requested 1*)
3. **Self-Defense Jury Instructions / Second Amendment:** The trial court improperly instructed the jury about 'otherwise engaged in criminal activity' and unlawful weapons possession when the evidence did not support these instructions and the relevant statute was unconstitutional. (*Source: 03-24-00386-CR Brief - oral argument requested 1*)
4. **Witness Testimony Instructions:** The trial court failed to give required jury instructions regarding the reliability and corroboration requirements for jailhouse informant testimony. (*Source: 03-24-00386-CR Brief - oral argument requested 1*)
5. **Cumulative Error / Self-Defense:** The cumulative effect of multiple jury instruction errors combined to undermine the defendant's sole defense theory of justified use of force. (*Source: 03-24-00386-CR Brief - oral argument requested 1*)

### 34. Case: [03-24-00387-CR](#)

**Defendant:** Barhona, Edgar

**Defense Counsel:** Mr. Robert Daniel

**County:** Travis

**Trial Court:** 403rd District Court

**Judge:** Honorable Brandy Mueller

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

### Legal Issues Identified (5):

1. **Self-Defense Jury Instructions:** The trial court incorrectly instructed the jury that defendant could only use deadly force against multiple assailants who were 'both present and acting together to attack,' contrary to precedent allowing force against any member of an attacking group. (Source: 03-24-00387-CR Brief - oral argument requested 1)
2. **Self-Defense Jury Instructions:** The trial court erroneously included provocation instructions in the jury charge when there was no evidence presented that defendant provoked the conflict. (Source: 03-24-00387-CR Brief - oral argument requested 1)
3. **Jury Instructions - Criminal Activity Limitations:** The trial court improperly instructed the jury about 'otherwise engaged in criminal activity' and unlawful weapons carrying when there was no enforceable violation of those statutes. (Source: 03-24-00387-CR Brief - oral argument requested 1)
4. **Jailhouse Informant Testimony Instructions:** The trial court failed to provide required jury instructions regarding the credibility and corroboration requirements for jailhouse informant testimony. (Source: 03-24-00387-CR Brief - oral argument requested 1)
5. **Cumulative Error - Self-Defense:** The cumulative effect of multiple jury instruction errors prevented fair consideration of defendant's sole defense theory of justified use of force. (Source: 03-24-00387-CR Brief - oral argument requested 1)

## 35. Case: [03-24-00396-CR](#)

**Defendant:** Jenkins, Richard Howard

**Defense Counsel:** Ms. Jessica Freud

**County:** Bell

**Trial Court:** 264th District Court

**Judge:** Honorable Paul L. LePak

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### Legal Issues Identified (8):

1. **Sufficiency of Evidence:** The evidence is legally insufficient to sustain the conviction because there is inadequate proof of intent, causation, and corpus delicti for injury to a child causing serious bodily injury. (Source: 03-24-00396-CR Brief - oral argument requested 1)
2. **Jury Instruction Error:** The jury charge was defective because while it contained an abstract definition of transferred intent, it failed to include specific case facts in the application paragraph needed to properly instruct the jury on how to apply transferred intent. (Source: 03-24-00396-CR Brief - oral argument requested 1)
3. **Criminal Law - Transferred Intent:** The doctrine of transferred intent was improperly applied, as there was insufficient evidence that the defendant intended to cause bodily injury to the child's mother when he accidentally struck the child. (Source: 03-24-00396-CR Brief - oral argument requested 1)
4. **Criminal Law - Corpus Delicti Rule:** The defendant's extrajudicial confession was insufficient to establish guilt without independent corroborating evidence showing the essential nature of the offense was committed. (Source: 03-24-00396-CR Brief - oral argument requested 1)
5. **Sufficiency of Evidence:** Whether there was sufficient evidence to support the defendant's conviction for injury to a child when he struck a baby while attempting to hit the child's mother, including proof of intent under transferred intent doctrine. (Source: 03-24-00396-CR Brief - oral argument not requested 2)
6. **Corpus Delicti Rule:** Whether the evidence adequately established the corpus delicti (that a crime actually occurred) through corroborating evidence beyond the defendant's confession.

(Source: 03-24-00396-CR Brief - oral argument not requested 2)

7. **Jury Charge Error:** Whether the omission of transferred intent instruction in the jury charge's application paragraph constituted egregious harm requiring reversal, even though the doctrine was explained in the abstract portion. (Source: 03-24-00396-CR Brief - oral argument not requested 2)

8. **Causation Evidence:** Whether there was sufficient evidence to establish causation between the defendant's actions and the child's death from blunt force trauma to the head. (Source: 03-24-00396-CR Brief - oral argument not requested 2)

### 36. Case: [03-24-00404-CR](#)

**Defendant:** Minnick, Gere Jay

**Defense Counsel:** Ms. Angela J. Moore

**County:** Burnet

**Trial Court:** 33rd District Court

**Judge:** Honorable J. Allan Garrett

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

#### **Legal Issues Identified (4):**

1. **Due Process and Equal Protection - Indigent Defendants:** Whether the trial court violated due process by revoking probation based on non-payment of fees without first determining if the defendant had the ability to pay as required by *Bearden v. Georgia* (Source: 03-24-00404-CR Brief - oral argument not requested 1)

2. **Sufficiency of Evidence and Confrontation Clause:** Whether the court erred in relying on incomplete probation records and testimony from a replacement officer with no direct knowledge to establish failure to report violations (Source: 03-24-00404-CR Brief - oral argument not requested 1)

3. **Evidence - Authentication of Electronic Communications:** Whether the trial court improperly admitted and relied upon unauthenticated text messages allegedly sent by defendant without proper authentication under Texas Rule of Evidence 901 (Source: 03-24-00404-CR Brief - oral argument not requested 1)

4. **Protective Order Violation - Statutory Interpretation:** Whether text messages seeking return of property constitute a violation of a protective order when they contained no threats and were meant only to arrange property exchange (Source: 03-24-00404-CR Brief - oral argument not requested 1)

### 37. Case: [03-24-00423-CR](#)

**Defendant:** Kelly, Kendrick Kinard

**Defense Counsel:** Mr. Aaron Spolin

**County:** Hays

**Trial Court:** 483rd District Court

**Judge:** Honorable Tanner Neidhardt



**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Sufficiency of Evidence:** Whether there was legally sufficient evidence to support Appellant's conviction for assault, particularly regarding identification of the perpetrator and credibility of witness testimony (*Sources: Appellant's Brief, State's Response Brief*)

**38. Case: [03-24-00457-CR](#)**

**Defendant:** Facundo, Jr., Paul

**Defense Counsel:** Mr. Joel Cook

**County:** Hays

**Trial Court:** 207th District Court

**Judge:** Honorable Tracie Wright-Reneau

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Sufficiency of Evidence - Statutory Construction:** Whether the State's indictment alleging threat by assault or murder narrowed the manner and means of the offense to require proof of imminent harm, making the evidence insufficient when no imminent threat was proven. (*Sources: Appellant's Brief (oral argument requested), State's Brief (oral argument not requested)*)

**39. Case: [03-24-00463-CR](#)**

**Defendant:** Jones, Eric Lon

**Defense Counsel:** Ms. Jessica Freud

**County:** Williamson

**Trial Court:** 26th District Court

**Judge:** Honorable Donna Gayle King

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Jury Instructions - Venue:** Whether the trial court erred by failing to include an instruction under Article 13A.053(a) regarding venue for offenses committed within 400 yards of county boundaries when the alleged offense occurred near the Travis-Williamson County line (*Sources: Appellant's Brief (oral argument not requested), State's Brief (oral argument requested)*)

**40. Case: [03-24-00465-CR](#)**



**Defendant:** Jones, Jr., Bobby Joe

**Defense Counsel:** Mr. John Lamerson | Mr. Bobby Joe Jones Jr.

**County:** Hays

**Trial Court:** 207th District Court

**Judge:** Honorable Tracie Wright-Reneau

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

**Legal Issues Identified (5):**

1. **Sentencing and Judgment:** Whether the written judgment accurately reflects the 5-year sentence imposed and proper credit for time served was applied after probation revocation. *(Source: 03-24-00465-CR Amended brief 1)*
2. **Ineffective Assistance of Counsel:** Whether appellant received ineffective assistance of counsel during the probation revocation proceedings based on counsel's representation and decisions. *(Source: 03-24-00465-CR Amended brief 1)*
3. **Sentencing Guidelines:** Whether the 5-year sentence imposed was within the legal punishment range for a second-degree felony after probation revocation. *(Source: 03-24-00465-CR Amended brief 1)*
4. **Sufficiency of Evidence:** Whether there was sufficient evidence to support the trial court's findings that appellant violated multiple conditions of his probation. *(Source: 03-24-00465-CR Amended brief 1)*
5. **Preservation of Error:** Whether trial counsel failed to object to any fundamental errors during the revocation proceedings that prejudiced appellant's rights. *(Source: 03-24-00465-CR Amended brief 1)*

## **41. Case: [03-24-00467-CR](#)**

**Defendant:** Jones, Blake

**Defense Counsel:** Ms. Jessica Freud

**County:** Travis

**Trial Court:** 390th District Court

**Judge:** Honorable Bob Perkins

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

**Legal Issues Identified (3):**

1. **Sufficiency of Evidence - Criminal Act/Intent:** Whether there is legally sufficient evidence to prove the defendant was a principal or party to intentionally/knowingly scalding the victim with hot water under Count I, paragraph I. *(Source: 03-24-00467-CR Brief - oral argument not requested 1)*
2. **Sufficiency of Evidence - Criminal Omission/Causation:** Whether there is legally sufficient evidence to prove the defendant had assumed care, custody and control of the victim and that failing to obtain medical care faster caused the victim's death under Count I, paragraph II. *(Source: 03-24-00467-CR Brief - oral argument not requested 1)*
3. **Sufficiency of Evidence - Criminal Act/Party Liability:** Whether there is legally sufficient evidence to prove the defendant caused bodily injury to the victim either as a principal or as a party by creating a paddle used for discipline under Count II. *(Source: 03-24-00467-CR Brief - oral argument not requested 1)*

## **42. Case: [03-24-00495-CR](#)**

**Defendant:** Hildebrandt, Robert Corey

**Defense Counsel:** Ms. Jessica Bernstein

**County:** Williamson

**Trial Court:** 368th District Court

**Judge:** Honorable Sarah Soeldner Bruchmiller

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (1):**

#### **1. Fourth Amendment Search and Seizure - Reasonableness of Blood Draw Procedures:**

Whether the trial court erred in denying the motion to suppress blood evidence because the blood draw was conducted in an unreasonable manner, involving a shaking phlebotomist, multiple puncture attempts, and use of a restraint chair. *(Sources: Appellant's Brief (oral argument requested) - argues the blood draw was conducted unreasonably and violated Fourth Amendment standards, State's Brief (oral argument not requested) - argues the blood draw was reasonable under the totality of circumstances and defendant's non-compliance justified the procedures used)*

## **43. Case: [03-24-00534-CR](#)**

**Defendant:** Trejo, Steven

**Defense Counsel:** Mr. Paul M. Evans

**County:** Caldwell

**Trial Court:** 421st District Court

**Judge:** Honorable Chris Schneider

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (1):**

**1. Sufficiency of Evidence - Criminal Intent Element:** Whether there was legally sufficient evidence to prove the defendant knew he was being detained/arrested when he fled from the officer, particularly given the brief duration of the police lights and lack of other signals of authority. *(Sources: Appellant's Brief (Defense), State's Brief (Prosecution Response))*

## **44. Case: [03-24-00554-CR](#)**

**Defendant:** Jean-Baptist, Lashai

**Defense Counsel:** Mr. John A. Kuchera

**County:** Bell

**Trial Court:** 27th District Court

**Judge:** Honorable John Gauntt

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Ineffective Assistance of Counsel:** Whether trial counsel rendered ineffective assistance by failing to request a jury instruction on defense of property, when evidence allegedly supported such an instruction (*Sources: Appellant's Brief, State's Response Brief*)

**45. Case: [03-24-00579-CR](#)**

**Defendant:** Lane, Jr., Jeffrie Sterling

**Defense Counsel:** Ms. Jessica Freud

**County:** Bell

**Trial Court:** 27th District Court

**Judge:** Honorable The Honorable John Gauntt

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Jury Instructions - Extraneous Offense Evidence:** Whether the trial court's jury charge was erroneous by failing to include a complete extraneous offense instruction that would prohibit consideration of uncharged conduct for propensity purposes or purposes beyond those authorized (*Sources: Appellant's Brief (filed Feb 12, 2025), State's Response Brief (filed Feb 25, 2025)*)

**46. Case: [03-24-00583-CR](#)**

**Defendant:** King, Joshua Patrick

**Defense Counsel:** Mr. Jesus Manuel Navar | Mr. John Gilmore III | Mr. Ronnie Wilkins

**County:** Hays

**Trial Court:** 483rd District Court

**Judge:** Honorable Tanner Neidhardt

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (3):**

1. **Expert Witness Testimony/Evidence Admissibility:** Whether the trial court abused its discretion by excluding expert witness Alfonso Salazar's testimony regarding self-defense, which was claimed to be essential to King's defense theory (*Sources: State's Brief (oral argument not requested), Appellant's Brief (oral argument requested)*)
2. **Sufficiency of Evidence/Self-Defense:** Whether the evidence was legally sufficient to support King's conviction for aggravated assault with a deadly weapon when King claimed he acted in self-defense and defense of a third party (his fiancée) (*Sources: State's Brief (oral argument not requested), Appellant's Brief (oral argument requested)*)

3. **Constitutional Right to Present a Defense:** Whether King's substantial rights were violated by the exclusion of the expert testimony, affecting his right to present his defense theory to the jury (*Sources: Appellant's Brief (oral argument requested)*)

#### 47. Case: [03-24-00585-CR](#)

**Defendant:** Rains, Richard Wayne

**Defense Counsel:** Mr. Vikash Bhakta | Mr. James E. Millan

**County:** Comal

**Trial Court:** 22nd District Court

**Judge:** Honorable Tracie Wright-Reneau

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (2):**

1. **Jury Charge Error:** Whether the trial court's failure to include required jury charge instructions regarding defendant's knowledge/notice of the protective order constitutes egregious harm requiring reversal (*Sources: Appellant's Brief (oral argument requested), State's Brief (oral argument not requested)*)

2. **Eighth Amendment - Cruel and Unusual Punishment:** Whether a life sentence for continuous violation of a protective order constitutes cruel and unusual punishment given the nature of the offense and defendant's criminal history (*Sources: Appellant's Brief (oral argument requested), State's Brief (oral argument not requested)*)

#### 48. Case: [03-24-00605-CR](#)

**Defendant:** Rodriguez, Alex

**Defense Counsel:** Mr. David A. Mendoza

**County:** Bastrop

**Trial Court:** 21st District Court

**Judge:** Honorable Carson Talmadge Campbell

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Constitutional Due Process:** Whether the appellant was denied due process when the trial court proceeded with a revocation hearing without first giving fair notice of the allegations against him through proper service of the Motion to Revoke (*Sources: Appellant's Brief (not requesting oral argument), State's Brief (requesting oral argument - arguing against)*)

#### 49. Case: [03-24-00654-CR](#)

**Defendant:** Jackson, III, Randle  
**Defense Counsel:** Mr. Tim B. Copeland  
**County:** Bell  
**Trial Court:** 27th District Court  
**Judge:** Honorable The Honorable John Gauntt  
**SPA Lawyer:** Stacy Soule  
**Briefs Downloaded:** 2 briefs  
**Legal Issues Identified (1):**

1. **Criminal Law - Jury Instructions/Self-Defense:** Whether the trial court erred in denying defendant's request for a jury instruction on self-defense when he claimed he shot at police officers only after they attempted to use a TASER on him during pursuit. (*Sources: Appellant's Brief (Randle Jackson, III), State's Response Brief (Bell County District Attorney)*)

## **50. Case: [03-24-00692-CR](#)**

**Defendant:** Sannicola, Jordan Michael  
**Defense Counsel:** Mr. Vikash Bhakta  
**County:** Hays  
**Trial Court:** 453rd District Court  
**Judge:** Honorable Sherri Tibbe  
**SPA Lawyer:** Stacy Soule  
**Briefs Downloaded:** 1 briefs  
**Legal Issues Identified (3):**

1. **Sufficiency of Evidence:** The State failed to present sufficient evidence that the defendant knew he was involved in an accident and that the accident was of a type likely to result in injury or death. (*Source: 03-24-00692-CR Brief - oral argument requested 1*)
2. **Evidentiary Rules - Rule 403 Prejudicial Evidence:** The trial court erred in admitting a prejudicial photograph of the deceased victim's body when the death was not disputed and other evidence was available to prove identity and investigative thoroughness. (*Source: 03-24-00692-CR Brief - oral argument requested 1*)
3. **Jury Instructions - Article 37.07 Extraneous Offense Evidence:** The jury charge was defective because it failed to require the jury to find beyond a reasonable doubt that the defendant committed extraneous criminal acts, only requiring such finding for wrongful acts. (*Source: 03-24-00692-CR Brief - oral argument requested 1*)

## **51. Case: [03-24-00698-CR](#)**

**Defendant:** Ornelas-Carrillo, Rufino  
**Defense Counsel:** Mr. Gary E. Prust  
**County:** Burnet  
**Trial Court:** 424th District Court  
**Judge:** Honorable Evan C. Stubbs  
**SPA Lawyer:** Stacy Soule  
**Briefs Downloaded:** 2 briefs

### Legal Issues Identified (1):

1. **Due Process - Judicial Impartiality in Jury Instructions:** Whether handwritten markings and checkmarks next to elements of the offense in the jury charge constituted an impermissible judicial comment on the weight of the evidence that violated due process (*Sources: Appellant's Brief - argues the markings constituted improper judicial endorsement requiring reversal, State's Brief - argues markings were likely made by jurors during deliberations and did not constitute error*)

## 52. Case: [03-24-00717-CR](#)

**Defendant:** Estrada, III, Frank

**Defense Counsel:** Ms. J. Deniz Kadirhan

**County:** Travis

**Trial Court:** 299th District Court

**Judge:** Honorable Karen Sage

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

### Legal Issues Identified (4):

1. **Sixth Amendment Confrontation Clause:** The trial court admitted 911 call and EMS records containing testimonial hearsay statements without allowing cross-examination of the declarant, allegedly violating the defendant's confrontation rights. (*Source: 03-24-00717-CR Brief - oral argument requested 1*)

2. **Evidence Law - Hearsay:** The trial court erroneously admitted hearsay statements from a 911 call that did not qualify under any hearsay exception. (*Source: 03-24-00717-CR Brief - oral argument requested 1*)

3. **Constitutional Due Process and Jury Selection:** The trial court improperly granted the State's challenge for cause to remove a juror after peremptory strikes were completed, effectively giving the State an extra strike. (*Source: 03-24-00717-CR Brief - oral argument requested 1*)

4. **Harmless Error Analysis:** The cumulative effect of erroneously admitted evidence (911 call and EMS records) was not harmless and likely contributed to the conviction. (*Source: 03-24-00717-CR Brief - oral argument requested 1*)

## 53. Case: [03-24-00792-CR](#)

**Defendant:** Miller, Ryan David

**Defense Counsel:** Mr. Curtis Todd Overstreet

**County:** Milam

**Trial Court:** County Court

**Judge:** Honorable Bill Whitmire

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

### Legal Issues Identified (4):

1. **Fourth Amendment Search and Seizure / Medical Privacy Rights:** The prosecution obtained defendant's medical records and blood test results through a grand jury subpoena without reasonable suspicion and without proper legal basis, violating defendant's privacy rights and constitutional protections. *(Source: 03-24-00792-CR Brief - oral argument not requested 1)*
2. **Texas Criminal Procedure / Grand Jury Process:** The grand jury subpoena process was improperly executed, with procedural violations including failure to follow proper out-of-county witness requirements and questionable service documentation. *(Source: 03-24-00792-CR Brief - oral argument not requested 1)*
3. **Federal Medical Privacy Law (HIPAA):** The state obtained medical records in violation of HIPAA privacy protections by using a potentially 'sham' grand jury subpoena without proper law enforcement purpose exception documentation. *(Source: 03-24-00792-CR Brief - oral argument not requested 1)*
4. **Texas Statutory Criminal Procedure / Evidence Suppression:** The trial court erred in denying defendant's motion to suppress blood test results obtained through improper grand jury subpoena procedures in violation of Texas Code of Criminal Procedure Articles 20.10-20.13. *(Source: 03-24-00792-CR Brief - oral argument not requested 1)*

## 54. Case: [03-24-00794-CR](#)

**Defendant:** Vaughn, Lee Christopher

**Defense Counsel:** Mr. Case Darwin

**County:** Hays

**Trial Court:** County Court at Law No 3

**Judge:** Honorable Elaine Brown

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (3):**

1. **Criminal Procedure - Charging Instruments:** Whether deleting the words 'intentionally and knowingly' from the charging instrument constitutes an abandonment of surplusage or an amendment requiring Article 28.10 notice under Texas law. *(Source: 03-24-00794-CR Brief - oral argument requested 2)*
2. **Criminal Procedure - Charging Instruments:** Whether the Burrell exception (requiring proof of unnecessary descriptive language of legally essential elements) remains valid law after Gollihar v. State for pre-trial alterations to charging instruments. *(Source: 03-24-00794-CR Brief - oral argument requested 2)*
3. **Criminal Procedure - Due Process:** Whether removing 'intentionally and knowingly' from the charging instrument prejudiced the defendant's substantial rights in a prosecution for displaying harmful material to a minor. *(Source: 03-24-00794-CR Brief - oral argument requested 2)*

## 55. Case: [03-25-00008-CR](#)

**Defendant:** Hernandez, Joshua

**Defense Counsel:** Ms. Dayna L. Jones | Mr. Demetrio Duarte Jr.



**County:** Comal

**Trial Court:** 22nd District Court

**Judge:** Honorable David C. Hagerman

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

**Legal Issues Identified (4):**

1. **Double Jeopardy (Fifth Amendment):** Whether reindicting defendant for touching victim's breast after acquittal on continuous sexual abuse charge involving same incident violates double jeopardy protections (*Source: 03-25-00008-CR Brief - oral argument requested 1*)
2. **Res Judicata in Criminal Law:** Whether res judicata bars prosecution since the breast-touching allegation was presented to and implicitly rejected by the jury that acquitted defendant of continuous sexual abuse (*Source: 03-25-00008-CR Brief - oral argument requested 1*)
3. **Collateral Estoppel in Criminal Law:** Whether collateral estoppel prevents relitigating specific facts about the February 15, 2021 incident that were necessarily decided in defendant's favor at the first trial (*Source: 03-25-00008-CR Brief - oral argument requested 1*)
4. **Prosecutorial Vindictiveness/Due Process:** Whether reindicting defendant shortly after acquittal constitutes prosecutorial vindictiveness requiring dismissal, given that the state knew of but chose not to initially charge the breast-touching allegation (*Source: 03-25-00008-CR Brief - oral argument requested 1*)

## **56. Case: [03-25-00027-CR](#)**

**Defendant:** Ramirez, Tony

**Defense Counsel:** Mr. Tony Ramirez

**County:** Travis

**Trial Court:** 460th District Court

**Judge:** Honorable Selena Alvarenga

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 3 briefs

**Legal Issues Identified (4):**

1. **Sentencing/Void Judgment:** Whether the trial court's judgment is void because the sentence of 180 days probation falls below the statutory minimum punishment range for third-degree felony DWI (*Sources: State's Brief, Appellant's Brief, Appellant's Objection to State's Answer*)
2. **Ineffective Assistance of Counsel:** Whether trial counsel provided ineffective assistance by failing to investigate the crime scene, file motions to suppress, challenge reasonable suspicion for the stop, and object to misleading punishment terms (*Sources: State's Brief, Appellant's Brief, Appellant's Objection to State's Answer*)
3. **Voluntariness of Guilty Plea:** Whether Appellant's guilty plea was entered involuntarily and unknowingly due to the trial court's oral pronouncement of 180 days probation which allegedly misled defendant about the punishment range (*Sources: State's Brief, Appellant's Brief, Appellant's Objection to State's Answer*)
4. **Habeas Corpus - Subsequent Application:** Whether Appellant's subsequent habeas corpus application meets the requirements of Article 11.072 §9(a) by presenting new facts that could not have been presented in the first application (*Sources: State's Brief, Appellant's Objection to State's Answer*)



## 57. Case: [03-25-00124-CR](#)

**Defendant:** Chavez, Adrian

**Defense Counsel:** Mr. Stephen Turro

**County:** Comal

**Trial Court:** 433rd District Court

**Judge:** Honorable Dib Waldrip

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (3):**

1. **Fourth Amendment Search and Seizure - Warrant Requirements:** Whether Officer Lima's affidavit was properly 'sworn' when she signed it before a notary public without giving a formal, verbal oath, and whether this satisfied the oath requirement for search warrant affidavits under Texas law (*Sources: State's Brief (Appellant), Appellee's Brief (Defendant)*)
2. **Fourth Amendment - Good Faith Exception:** Whether the good-faith exception to the exclusionary rule should apply to allow admission of evidence even if there were technical defects in the warrant affidavit's oath requirement, since officers acted in objective good faith reliance on the warrant (*Sources: State's Brief (Appellant), Appellee's Brief (Defendant)*)
3. **Constitutional Law - Separation of Powers:** Whether the trial court erred by declining to apply the good-faith exception based on policy concerns rather than legal analysis, potentially violating separation of powers by substituting its policy judgment for the legislature's statutory good-faith exception (*Sources: State's Brief (Appellant)*)

## 58. Case: [03-25-00146-CR](#)

**Defendant:** Gamez, Michael Lance

**Defense Counsel:** Ms. Jessica Freud

**County:** Travis

**Trial Court:** 331st District Court

**Judge:** Honorable Chantal Eldridge

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

### **Legal Issues Identified (1):**

1. **Pretrial Release and Bail Rights:** Whether the trial court abused its discretion by not releasing defendant on personal bond or setting an affordable bond amount when the State failed to indict within 90 days under Texas Code of Criminal Procedure Article 17.151 (*Sources: State's Brief, Appellant's Brief*)

## 59. Case: [03-25-00147-CR](#)

**Defendant:** Gamez, Michael Lance

**Defense Counsel:** Ms. Jessica Freud

**County:** Travis

**Trial Court:** 331st District Court

**Judge:** Honorable Chantal Eldridge

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (2):**

1. **Pretrial Release and Bail Rights:** Whether the trial court abused its discretion by not releasing defendant on personal bond or setting an affordable bond amount when the State failed to indict within 90 days under Texas Code of Criminal Procedure Article 17.151 (*Sources: Appellant's Brief, State's Brief*)
2. **Pretrial Release and Bond Conditions:** Whether the trial court abused its discretion by requiring GPS monitoring as a bond condition that defendant cannot afford, thereby frustrating his release rights under Article 17.151 (*Sources: Appellant's Brief, State's Brief*)

**60. Case: [03-25-00154-CR](#)**

**Defendant:** Gamez, Michael Lance

**Defense Counsel:** Ms. Jessica Freud

**County:** Travis

**Trial Court:** 331st District Court

**Judge:** Honorable Chantal Eldridge

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (2):**

1. **Pretrial Release and Bail Rights:** Whether the trial court abused its discretion by failing to release defendant on personal bond or set an affordable bond amount when the State failed to indict within 90 days under Texas Code of Criminal Procedure Article 17.151 (*Sources: State's Brief, Appellant's Brief*)
2. **Pretrial Release and Bond Conditions:** Whether the trial court abused its discretion by requiring GPS monitoring as a bond condition that defendant cannot afford, thereby frustrating the mandatory release requirements of Article 17.151 (*Sources: State's Brief, Appellant's Brief*)

**61. Case: [03-25-00314-CR](#)**

**Defendant:** Martinez, Victor Elias

**Defense Counsel:** Mr. Jorge Vela | Mr. Rick Oliver

**County:** Bastrop

**Trial Court:** 423rd District Court

**Judge:** Honorable Christopher Darrow Duggan

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 1 briefs

**Legal Issues Identified (1):**

1. **Pretrial Detention and Bail Rights:** Whether the trial court violated Article 17.151 of the Texas Code of Criminal Procedure by refusing to release the defendant on personal bond or reduce bail after 90 days in custody without an indictment. (*Source: 03-25-00314-CR Brief - oral argument requested 1*)

**62. Case: [08-24-00098-CR](#)**

**Defendant:** Reyes, Louis Phillip

**Defense Counsel:** Vikash Bhakta

**County:** Williamson

**Trial Court:** 368th District Court

**Judge:** Honorable Rick J. Kennon

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Sufficiency of Evidence - Criminal Possession:** Whether the evidence was legally sufficient to prove Appellant knowingly possessed the firearm, given the lack of exclusive control and limited circumstantial evidence linking him to the weapon. (*Sources: Appellant's Brief, State's Response Brief*)

**63. Case: [08-24-00372-CR](#)**

**Defendant:** Gilbreath, Joshua Anthony

**Defense Counsel:** Dal Ruggles

**County:** Williamson

**Trial Court:** 277th District Court

**Judge:** Honorable Stacey Mathews

**SPA Lawyer:** Stacy Soule

**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Affirmative Defense - Insanity:** Whether the jury's rejection of the defendant's insanity defense was against the great weight and preponderance of the evidence, given testimony about his schizophrenia diagnosis and behavior before, during, and after the offense. (*Sources: Appellant's Brief (requesting oral argument), State's Response Brief (not requesting oral argument)*)

**64. Case: [08-25-00013-CR](#)**

**Defendant:** James, Jasper J.  
**Defense Counsel:** Hon. John A. Kuchera  
**County:** Bell  
**Trial Court:** 426th District Court  
**Judge:** Honorable Steven J. Duskie  
**SPA Lawyer:** Stacy Soule  
**Briefs Downloaded:** 2 briefs

**Legal Issues Identified (1):**

1. **Due Process - Right to Impartial Judge:** Whether the trial court violated the defendant's constitutional right to an impartial judge by reviewing a victim impact statement prior to sentencing, in contravention of Texas Code of Criminal Procedure art. 42.03, §1(b) (*Sources: Appellant's Brief (James), State's Response Brief*)

**65. Case: [08-25-00015-CR](#)**

**Defendant:** Nevares, Darren  
**Defense Counsel:** Amanda Erwin  
**County:** Comal  
**Trial Court:** 433rd District Court  
**Judge:** Honorable Elma Teresa Salinas-Ender  
**SPA Lawyer:** Stacy Soule  
**Briefs Downloaded:** 1 briefs

**Legal Issues Identified (1):**

1. **Ineffective Assistance of Counsel:** Defendant received ineffective assistance of counsel when trial counsel incorrectly advised him about probation eligibility and had him swear to a false probation application, while also demonstrating general incompetence throughout trial. (*Source: 08-25-00015-CR Brief - oral argument requested 1*)

**66. Case: [08-25-00026-CR](#)**

**Defendant:** Meeks, Jr., Curtis Lee  
**Defense Counsel:** Jorge W. Sanchez  
**County:** Williamson  
**Trial Court:** 26th District Court  
**Judge:** Honorable Donna Gayle King  
**SPA Lawyer:** Stacy Soule  
**Briefs Downloaded:** 1 briefs

**Legal Issues Identified (1):**

1. **Ineffective Assistance of Counsel - Voluntary Plea:** Defendant claims his guilty plea was involuntary because trial counsel falsely promised he would receive probation, which induced him to plead guilty rather than proceed to trial. (*Source: 08-25-00026-CR Brief - oral argument not requested 1*)