GRANTED ISSUES

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

ISSUES GRANTED OCTOBER 14, 2015

PDR NO.	NAME	COUNTY	OFFENSE
14-1429	**WALKER, KENNETH NEAL**	**SMITH**	**INJURY TO A CHILD**

1. The Court of Appeals erred in finding legally sufficient evidence in this case, and allows this Court to reexamine the issue of factually sufficient evidence from *Brooks v. State*, 323 S.W.3d 893 (Tex. Crim. App. 2010).
2. The Court of Appeals erred in allowing a speculative verdict to stand in contrast to this Court's instructions.

14-1430	**WALKER, SHELLEY**	**SMITH**	**INJURY TO A CHILD**

1. The Court of Appeals erred in finding legally sufficient evidence in this case, and allows this Court to reexamine the issue of factually sufficient evidence from *Brooks v. State*, 323 S.W.3d 893 (Tex. Crim. App. 2010).
2. The Court of Appeals erred in allowing a speculative verdict to stand in contrast to this Court's instructions.

15-0730	**TATE, DALLAS CARL**	**MONTAGUE**	**POSSESSION OF CONTROLLED SUBSTANCE**

Did the court of appeals ignore multitude rules of sufficiency review and substitute its judgment for the jury's when it held there was insufficient evidence connecting appellant to the contraband found in plain view in the center console of a car that he owned and was driving?

ALPHABETICAL LISTING WITHOUT ISSUES

PDR NO.	NAME	DATE GRANTED
15-0143	AMBROSE, CYNTHIA	05/20/15
15-0290	ANTHONY, JOHN DENNIS CLAYTON	05/20/15
15-0245	BLEA, JUAN	06/24/15
14-1087	BRODNEX, IKE ANTYON	11/05/14
15-0213	BYRD, THOMAS LEON	05/20/15
14-1341	CARY, STACY STINE	03/25/15
15-0445	CARY, DAVID FREDERICK	07/01/15
15-0681	CLEMENT, DAVID LEE, JR.	09/16/15
15-0077	COLE, STEVEN	04/22/15
14-1514	DABNEY, RONNIE LEON	03/04/15
14-0572/73	DONALDSON, PATRICIA	02/04/15
15-0429	DURAN, FRANCISCO	07/01/15
14-1039	ELIZONDO, JOSE GUADALUPE RODRIGUEZ	01/28/15
14-0893	FAUST, JOEY	10/08/14
15-0123	FERNANDEZ, JAMES	05/13/15
14-1473	FINLEY, WILLIAM BRYAN, III	03/18/15
14-1396	FORD, JON THOMAS	02/04/15
15-0212	FURR, CHRIS	06/10/15
14-0738	GREEN, JOSEPH LESTER	09/17/14
15-0180	HARKCOM, PATRICIA ELIZABETH	05/20/15
15-0257	HENLEY, GREGORY SHAWN	06/17/15
15-0511	HENRY, ALVIN PETER, JR.	10/07/15
15-0019-22	HILL, ALBERT G., III	06/10/15
14-0622	HOLIDY, MARCUS BRUCE	08/20/14
15-0794	HOPKINS, ESSIE D.	09/16/15
14-0433	HUSE, HAYDEN	09/17/14
15-0469-72	ISBELL, JOHN B.	09/16/15
15-0832	JENKINS, JAMES ALAN	09/16/15
14-1496	JOHNSON, JOE DALE	04/22/15
15-0587	JONES, ANDREW OLEVIA	08/26/15
14-1340	KENT, KEVIN LAVELLE	02/04/15
15-0072	LEMING, JAMES EDWARD	04/22/15
15-0480	LONDON, JOSHUA	06/24/15
14-0894	MARROQUIN, RAMON	10/08/14
14-0509/10	MARSHALL, PATRICK	09/24/14
14-1263	McGRUDER, MICHAEL ANTHONY	01/28/15
14-1133	McKAY, CODY WAYNE	11/05/14
14-1634	MOORE, AARON JACOB	04/22/15
15-0758	MORGAN, DEWAN	09/16/15
14-0851/52	NIXON, REGINALD	09/24/14
14-0840	NOWLIN, KEIONA DASHELLE	11/05/14
14-0967	OWENS, CHARLES RAY, JR.	09/24/14
15-1067	PERRY, JAMES RICHARD “RICK”	10/07/15
14-1472	RABB, RICHARD LEE	02/04/15
15-0070	RAMSEY, DONALD LYNN aka RAMSAY, DONALD LYNN	05/13/15
14-0601	REEDER, CLAYTON DEAN	08/20/14
15-0013/15	RENDON, MICHAEL ERIC	02/04/15
14-1277	REYES, JUAN	11/19/14
15-0372	SANCHEZ, LUIS	07/01/15
14-1505	SCHLITTLER, DAVID	02/25/15
15-0526	SCHUNIOR, VICTOR MANUEL, JR.	09/16/15
15-0597	SHORTT, BERNARD WINFIELD	09/16/15
15-0599	SIMPSON, MARK TWAIN	09/23/15

14-1615	SMITH, WILLLIAM aka BILL	02/11/15
15-0122	STEVENSON, ERIC DWAYNE	04/29/15
15-0730	TATE, DALLAS CARL	10/14/15
14-0679	TORRES, MANUEL	09/17/14
15-0483	TOTTEN, RUBEN	08/26/15
15-0078	VASQUEZ, JOSE	04/15/15
15-0280	WACHTENDORF, JOHN ALLEN, JR.	04/29/15
14-1429	WALKER, KENNETH NEAL	10/14/15
14-1430	WALKER, SHELLEY	10/14/15
14-0635	WEEMS, DANIEL JAMES	08/20/14
15-0292	WOLFE, JENNIFER BANNER	09/16/15
15-0061	WOOD, CARLTON	04/22/15

NUMERICAL LISTING WITH ISSUES GRANTED

14-0433 HUSE, HAYDEN 09/17/14
APPELLANT'S LUBBOCK DRIVING WHILE INTOXICATED

1. After State v. Hardy, does a citizen have standing to challenge the process by which his medical records are obtained?
2. Must the State comply with federal requirements under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to obtain a citizen's medical records, and if it fails to do so, is there any remedy?

14-0509 MARSHALL, PATRICK 09/24/14
14-0510
STATE'S & APPELLANT'S HAYS ASSAULT; AGGRAVATED ASSAULT

STATE'S GROUND FOR REVIEW:
Impeding the normal breath is bodily injury. Here, the charge's abstract and application paragraphs require the jury to find Marshall impeded the normal breathing of his wife. The appellate court reversed and remanded, ruling that the lack of a bodily injury definition in the application paragraph relieved the State of its burden to prove bodily injury. Did proving impeding breath prove bodily injury?
APPELLANT'S GROUND FOR REVIEW:
The Court of Appeals erred in finding the evidence was sufficient to support a conviction for Assault by Strangulation - Family Violence. The evidence failed to show that Petitioner impeded the complainant's normal breathing, or that he caused her bodily injury by doing so.

14-0572 DONALDSON, PATRICIA 02/04/15
14-0573
APPELLANT'S DALLAS MAKING A FALSE STATEMENT TO OBTAIN CREDIT; TAMPERING W/GOVERNMENTAL RECORD

The Court's second opinion is wrong because it misinterprets the applicable law and wholly ignores relevant portions of the record. The Court's first opinion properly applied the law.

14-0601 REEDER, CLAYTON DEAN 08/20/14
STATE'S RUSK DRIVING WHILE INTOXICATED

Does TEX. TRANSP. CODE § 724.012(b), the mandatory blood draw provision, establish advance voluntary and irrevocable consent making all warrantless draws thereunder permissible?

14-0622 HOLIDY, MARCUS BRUCE 08/20/14
STATE'S RUSK DRIVING WHILE INTOXICATED

Does TEX. TRANSP. CODE § 724.012(b), the mandatory blood draw provision, establish advance voluntary and irrevocable consent making all warrantless draws thereunder permissible?

14-0635 WEEMS, DANIEL JAMES 08/20/14
STATE'S BEXAR DRIVING WHILE INTOXICATED

1. Are the "established exceptions" to the "warrant requirement" the exclusive way of determining whether a particular warrantless search or seizure is reasonable under the Fourth Amendment?
2. Is a warrantless, nonconsensual search administered in compliance with Transportation Code section 724.012(b) reasonable under the Fourth Amendment?
3. Did the court of appeals err in its interpretation of section 724.012(b) by suggesting that the statute does not dispense with a search warrant?
4. Did the court of appeals err in its conclusion that there were no exigent circumstances?

14-0679 TORRES, MANUEL 09/17/14
STATE'S EL PASO POSSESSION OF CONTROLLED SUBSTANCE

1. Where Torres failed to allege or attest in his habeas pleadings, or otherwise provide any competent evidence demonstrating, that had he been properly advised, he would have availed himself of a trial, the Eighth Court erroneously held that Torres satisfied the prejudice prong of Strickland.
2. The Eighth Court erroneously failed to conduct a proper Strickland prejudice inquiry where it held that prejudice stemming from a Padilla violation was "presumed," failed to afford proper deference to the trial court's express findings on disputed fact issues and credibility assessments, and failed to determine whether a decision to reject the plea bargain would have been rational under the circumstances.
3. Where the totality of the circumstances demonstrates that counsel sufficiency advised Torres that deportation was an inevitable consequence after his guilty plea, the Eighth Court erroneously held that counsel rendered deficient performance simply because he did not specifically stated that Torres's plea "will" result in his removal.

14-0738 GREEN, JOSEPH LESTER 09/17/14
STATE'S MEDINA AGGRAVATED SEXUAL ASSAULT

The Court of Appeals erred in holding that by defining the terms 'penetration' and "female sexual organ" in the instructions to the jury at the conclusion of the evidentiary portion of the guilt phase of the trial, the trial court committed reversible error.

14-0840 NOWLIN, KEIONA DASHELLE 11/05/14
APPELLANT'S McLENNAN HINDERING APPREHENSION

Whether the court of appeals was correct in holding that the evidence was legally sufficient to prove that Nowlin knew Degrate was charged with a felony offense.

14-0851 NIXON, REGINALD 09/24/14
14-0852
APPELLANT'S TARRANT BURGLARY OF HABITATION; EVADING ARREST

Is the general rule of Muniz v. State, 573 S.W.2d 792 (Tex. Crim. App. 1978) – permitting trial courts to order juries to reconsider sentencing verdicts that do not comply with applicable statutes – partially superseded by the later and more specific Tex. Code Crim. Pro Art. 37.10(b), under which a sentencing verdict containing both authorized and unauthorized punishment is not to be rejected and sent for reconsideration, but simply reformed to reflect only the authorized portion?

14-0893 FAUST, JOEY 10/08/14
STATE'S TARRANT INTERFERENCE WITH
(consolidated with 14-0894) PUBLIC DUTIES

1. Did the Second Court of Appeals err in implicitly holding that citizens can use the First Amendment to the United States Constitution as a shield to disobey lawful orders of law enforcement and forcibly cross a police skirmish line set up at a Gay Pride Parade in Fort Worth, Texas, when those measures by law enforcement are taken to preserve the peace and the safety of the public?
2. Notwithstanding that police action may infringe on a citizen's First Amendment rights, does a citizen have a right to disobey orders of a police officer, forcibly breach a skirmish line imposed, and interfere with the officer's duties?
3. Did the Second Court of Appeals err in failing to conduct a proper "as applied" First Amendment analysis when it concluded that the Fort Worth Police Department's action in constructing a skirmish line at a Gay Pride Parade violated the First Amendment to the United States Constitution?
4. Did the Second Court of Appeals err in concluding that the skirmish line set up by the police department during the Fort Worth Gay Pride Parade was not a reasonable action as to "time, place or manner" under the First Amendment to the United States Constitution?

14-0894 MARROQUIN, RAMON 10/08/14
STATE'S TARRANT INTERFERENCE WITH
(consolidated with 14-0893) PUBLIC DUTIES

1. Did the Second Court of Appeals err in implicitly holding that citizens can use the First Amendment to the United States Constitution as a shield to disobey lawful orders of law enforcement and forcibly cross a police skirmish line set up at a Gay Pride Parade in Fort Worth, Texas, when those measures by law enforcement are taken to preserve the peace and the safety of the public?
2. Notwithstanding that police action may infringe on a citizen's First Amendment rights, does a citizen have a right to disobey orders of a police officer, forcibly breach a skirmish line imposed, and interfere with the officer's duties?
3. Did the Second Court of Appeals err in failing to conduct a proper "as applied" First Amendment analysis when it concluded that the Fort Worth Police Department's action in constructing a skirmish line at a Gay Pride Parade violated the First Amendment to the United States Constitution?
4. Did the Second Court of Appeals err in concluding that the skirmish line set up by the police department during the Fort Worth Gay Pride Parade was not a reasonable action as to "time, place or manner" under the First Amendment to the United States Constitution?

14-0967 OWENS, CHARLES RAY, JR. 09/24/14
STATE'S HARRISON FELONY MURDER

Whether the appellate court erred in reversing the conviction in lieu of abating the appeal and ordering a retrospective competency trial.

14-1039 ELIZONDO, JOSE GUADALUPE RODRIGUEZ 01/28/15
APPELLANT'S HIDALGO MURDER

2. The court of appeals should have analyzed all the elements of *Smith v. State* before determining that Elizondo provoked the second altercation.
3. The court of appeals affirmed on a jury charge that was grossly incorrect by ignoring and then misapplying this Court's precedent.

14-1087 BRODNEX, IKE ANTYON 11/05/14
COURT'S OWN MOTION MIDLAND POSSESSION OF CONTROLLED SUBSTANCE

Does an officer have reasonable suspicion to detain a suspect based upon observing the suspect walking with another person at 2 a.m. in an area known for narcotics activity and based upon the officer's unsubstantiated belief that the suspect is a "known criminal?"

14-1133 McKAY, CODY WAYNE 11/05/14
APPELLANT'S HUNT INJURY TO A CHILD

1. The Court of Appeals erred in affirming the case at bar under *Brooks v. State*, 323 S.W.3d 893 (Tex. Crim. App. 2010) when considering *Hooper v. State*, 214 S.W.3d 9 (Tex. Crim. App. 2007) by improperly drawing inferences of ultimate facts that are unreasonable so as to determine that the evidence was legally sufficient to uphold the jury's verdict." *Temple v. State*, PD-0888-11, 2013 Tex. Crim. App. LEXIS 161 (Tex. Crim. App. January 16, 2013)
2. Was the evidence sufficient when the only evidence was a entry in 1000 page CPS report that the minor child was "always" "up her butt" when referring to where the minor child stayed when around her mother with no evidence that the same was true for other adults.

14-1263 McGRUDER, MICHAEL ANTHONY 01/28/15
APPELLANT'S BRAZOS DRIVING WHILE INTOXICATED

Did the Court of Appeals err in finding the Appellant's facial constitutional challenge to the Texas Transportation Code Section 724.012(b)(3)(B) failed and presumed the statute to be constitutionally valid?

14-1277 REYES, JUAN 11/19/14
APPELLANT'S EL PASO ASSAULT

1. By ruling that Reyes' conviction should be reinstated because the supplemental findings of fact and conclusions of law the trial court provided failed to identify or rely on any theory of law to support Reyes' non-*Padilla* claims, the court of appeals has decided an important question of state law which conflicts with an applicable decision of this Court.
2. By ruling that an article 11.072 writ applicant is not entitled to a ruling by the trial court on his potentially dispositive actual innocence and ineffective assistance claims, the court of appeals has decided this case in a way which conflicts with applicable decisions of the United States Supreme Court.

3. By giving binding effect to the trial court's failure to supplement its non-*Padilla* findings of fact and conclusions of law, the court of appeals has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's power of supervision.

14-1340 KENT, KEVIN LAVELLE 02/04/15
STATE'S HARRIS THEFT

1. The court of appeals should not have reversed the trial court's decision to reject the appellant's proposed application paragraph because the paragraph was not authorized by the indictment and was an incorrect statement of the law.
2. The court of appeals erred in holding that jurors must unanimously agree beyond a reasonable doubt on each underlying transaction used to comprise an aggregate theft charge.
3 The court of appeals erred in finding that the appellant was harmed by any unanimity error in the jury charge because his defense was not predicated on isolating one transaction from another.

14-1341 CARY, STACY STINE 03/25/15
APPELLANT'S COLLIN BRIBERY; ENGAGING IN ORGANIZED CRIMINAL ACTIVITY; MONEY LAUNDERING

1. The State Affirmatively Proved Ms. Cary's Innocence By Proving That The Alleged Bribes Were "Political Contributions."
2. The Evidence Was Insufficient To Show The Requisite Consideration To Support The Bribery Convictions.
3. The Evidence Was Insufficient To Show That Appellant Had The Requisite Intent To Commit Bribery.
4. The Evidence Was Insufficient To Support Ms. Cary's Conviction For Engaging In Organized Criminal Activity And Money Laundering.

14-1396 FORD, JON THOMAS 02/04/15
APPELLANT'S BEXAR MURDER

1. Whether a warrantless search of involuntarily conveyed historical cell tower data is an illegal search, is a novel question of law that has not been, but should be decided by the Court of Criminal Appeals.
2. The Court of Appeal[s'] holding, that cell tower data information conveyed from a phone involuntarily, is public information under the third party record doctrine; is contrary to *Richardson v. State*, 865 S.W.2d 944 (Tex. Crim. App. 1993).

14-1429 WALKER, KENNETH NEAL 10/14/15
APPELLANT'S SMITH INJURY TO A CHILD

1. The Court of Appeals erred in finding legally sufficient evidence in this case, and allows this Court to reexamine the issue of factually sufficient evidence from *Brooks v. State*, 323 S.W.3d 893 (Tex. Crim. App. 2010).
2. The Court of Appeals erred in allowing a speculative verdict to stand in contrast to this Court's instructions.

14-1430 WALKER, SHELLEY 10/14/15
APPELLANT'S SMITH INJURY TO A CHILD

1. The Court of Appeals erred in finding legally sufficient evidence in this case, and allows this Court to reexamine the issue of factually sufficient evidence from *Brooks v. State*, 323 S.W.3d 893 (Tex. Crim. App. 2010).
2. The Court of Appeals erred in allowing a speculative verdict to stand in contrast to this Court's instructions.

14-1472 RABB, RICHARD LEE 02/04/15
STATE'S ROCKWALL TAMPERING WITH PHYSICAL EVIDENCE

1. Because the legislature has determined that criminal attempt is a lesser-included offense of the completed offense, does a jury that finds guilt of the completed offense "necessarily find" guilt of attempt?
2. When the fact-finder determines that the defendant committed an act "with intent to [cause a specific result]," does it necessarily find that he intended to commit the act?
3. What is the remedy for insufficient evidence of the charged offense when the evidence was sufficient to prove a lesser included offense but the record does not indicate that the fact-finder affirmatively found the lesser-included offense?

14-1473 FINLEY, WILLIAM BRYAN, III 03/18/15
APPELLANT'S WILLIAMSON RESISTING ARREST

When a person attempts to evade an unlawful arrest by refusing to comply with the officers' attempt to effectuate the arrest, while using no offensive force against the officers, has this person committed the crime of Resisting Arrest?

14-1496 JOHNSON, JOE DALE 04/22/15
APPELLANT'S WICHITA AGGRAVATED SEXUAL ASSAULT; INDECENCY W/CHILD

1. The Court of Appeals sitting en banc erred in overturning its majority opinion holding that Confrontation and Due Process were offended when the trial court barred cross examination of the State's complaining witness of the eve of trial given: 1) the State's only evidence was this witness' outcry and Appellant's sole defense at trial depended entirely upon the barred cross examination and 2) the State created a false impression of the complaining witness which Appellant was entitled to correct through cross examination.
2. The justices of the Second Court of Appeals disagree as to the application of Confrontation and cross examination of a complaining witness who had molested his younger sister for a number of years before and after the outcry against Appellant.

14-1505 SCHLITTLER, DAVID 02/25/15
APPELLANT'S ANDERSON IMPROPER CONTACT W/VICTIM

1.Did the Twelfth Court of Appeals err by holding that Section 38.111, Penal Code, as applied to Schlittler, does not violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution?
2.Did the Twelfth Court of Appeals err by holding that Section 38.111, Penal Code, as applied to Schlittler, does not violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution?

14-1514 DABNEY, RONNIE LEON 03/04/15
STATE'S WICHITA MANUFACTURE OF A CONTROLLED SUBSTANCE

1. Did the Memorandum Opinion incorrectly add a notice requirement for rebuttal evidence that the State used to rebut Appellant's defensive theory after Appellant's counsel opened the door to such evidence in voir dire and in opening statement?
2. Did the Memorandum Opinion ignore the Court of Criminal Appeals' directive that a trial judge is afforded almost absolute deference in determining whether a prosecutor acted willfully and thereby improperly substitute its judgment for the trial judge's in finding the prosecutor was engaging in gamesmanship instead of legitimately rebutting a defensive theory?
3. Did the Memorandum Opinion, in its harm analysis, improperly ignore the overwhelming evidence of Appellant's guilt, including the fact that he absconded during trial and was absent for closing arguments at guilt/innocence?

14-1615 SMITH, WILLIAM aka BILL 02/11/15
STATE'S NUECES DRIVING WHILE INTOXICATED

1. Whether the implied consent and mandatory blood draw provisions of the Texas Transportation Code are a constitutionally valid alternative to the warrant requirement.
2. Whether the defendant preserves his Fourth Amendment objection to blood evidence when he fails to object to testimony concerning the results of testing done on that blood and only later objects to admission of the blood sample itself.

14-1634 MOORE, AARON JACOB 04/22/15
STATE'S FORT BEND AGGRAVATED SEXUAL ASSAULT

2. Does the court of appeals's construction of "the state" in Section 54.02(j)(4)(A), Family Code require dismissal of a case with prejudice without consideration of the factors for oppressive delay in violation of the separation of powers doctrine?

15-0013 RENDON, MICHAEL ERIC 02/04/15
15-0015
STATE'S VICTORIA POSSESSION OF MARIJUANA; MONEY LAUNDERING

The Court of Appeals finding that the area outside of Appellee's apartment constituted the curtilage of that apartment incorrectly decided an important question of State and Federal law that has not been but should be settled by the Court of Criminal Appeals.

15-0019 HILL, ALBERT G., III 06/10/15
15-0020
15-0021
15-0022
APPELLANT'S DALLAS MAKING FALSE STATEMENT

TO OBTAIN PROPERTY OR CREDIT; SECURING EXECUTION OF A DOCUMENT BY DECEPTION

To establish a prima facie case of selective prosecution in violation of the Fifth and Fourteenth Amendments, and to obtain a hearing under the "presumption of prosecutorial vindictiveness" method, a defendant must provide "some evidence" that shows: (1) the government singled out the defendant for prosecution and has not proceeded against others similarly situated based on the type of conduct for which the defendant is charged; and (2) the government's discriminatory selection is invidious. Once the defendant makes this showing, the burden shifts to the State to justify the discriminatory treatment.

Appellee asks this Court to clarify what constitutes "some evidence" and find that so long as a defendant attaches a proffer of evidence to a motion to dismiss due to prosecutorial misconduct that the trial court in its discretion determines to be a colorable claim of a constitutional violation, the defendant has attached "some evidence," and a trial court should be permitted to conduct a hearing on the motion to dismiss.

Appellee not only attached "some evidence" showing a constitutional violation, but in fact attached "exceptionally clear evidence." As a result, the Court of Appeals erred when it: (1) sustained the State's second issue and concluded that Appellee "did not make the proper showing sufficient to establish a prima facie case..." of the fact that the former elected district attorney of Dallas County engaged in prosecutorial misconduct by allowing himself to be corruptly influenced by Blue in return for indicting Appellee; (2) found that the trial court erred in conducting a hearing on Appellee's motion to dismiss based upon prosecutorial misconduct; (3) vacated the trial court's Order Granting Motion to Dismiss; and (4) remanded the case to the trial court to reinstate the indictments against Appellee.

15-0061 WOOD, CARLTON 04/22/15
STATE'S BEXAR EVADING ARREST W/MOTOR VEHICLE

1. The Court of Appeals erred by refusing to apply a presumption that the defendant pled true to the enhancement.
2. Where the trial court finds an enhancement true and the defendant does not object, the presumption should be applied.
3. The evidence supported the court's finding of true, contrary to the Court of Appeals' holding.

15-0070 RAMSEY, DONALD LYNN aka RAMSAY, DONALD LYNN 05/13/15
STATE'S SWISHER FORGERY

Does an appellate court give proper deference to a jury's forgery finding of intent to defraud or harm when it fails to consider the totality of the evidence and rational inferences therefrom?

15-0072 LEMING, JAMES EDWARD 04/22/15
STATE'S GREGG DRIVING WHILE INTOXICATED

1. Must a movement into another lane of traffic be unsafe before it can be deemed a violation of Tex. Transp. Code §545.060(a)?
2. Should a tip be deemed reliable when a person calls police to report erratic driving, provides his first name, remains on the telephone with the dispatcher, and follows the suspect's car until an officer arrives and the officer is able to independently corroborate information the caller provided?
3. Did the court of appeals err by reversing the trial judge's ruling on a motion to suppress that Appellant committed a traffic violation when the same facts objectively demonstrated reasonable suspicion?

15-0077 COLE, STEVEN 04/22/15
STATE'S GREGG INTOXICATION MANSLAUGHTER

1. Did the Court of Appeals conduct an incorrect exigent circumstances analysis when it required proof of a "now or never" level of urgency?
2. Were exigent circumstances present to draw Appellant's blood without a warrant when the accident created a substantial period of delay before blood could be drawn, the officer knew that it typically took one to one and a half hours to obtain a warrant, and he suspected the defendant was under the influence of illegal drugs as opposed to alcohol, which has a predictable rate of elimination?
3. Does a warrantless blood draw conducted pursuant to TEX. TRANSP. CODE § 724.012(b) violate the Fourth Amendment?
4. If a warrantless blood draw conducted pursuant to TEX. TRANSP. CODE § 724.012(b) violates the Fourth Amendment, must that evidence be suppressed when, at the time of the search, the statute was presumptively valid and that it dispensed with the warrant requirement?

15-0078 VASQUEZ, JOSE 04/15/15
STATE'S HARRIS CAPITAL MURDER

1. The lower court's majority opinion erred in holding that the appellant preserved his two-step interrogation complaint for appellate review.
2. The lower court's majority opinion erred in holding that the appellant was subject to custodial interrogation prior to receiving and waiving his legal rights.
3. The lower court's majority opinion erred in holding that a two-step interrogation technique was deliberately employed by the police.
4. The lower court's majority opinion erred in holding that the appellant was harmed by the admission of his statement when there was overwhelming evidence of the appellant's guilt independent of his statement to the police.

15-0122 STEVENSON, ERIC DWAYNE 04/29/15
APPELLANT'S TARRANT VIOLATING CIVIL COMMITMENT REQUIREMENT FOR SEXUALLY VIOLENT PREDATOR

1. The convictions on Count I, Count II, and Count III are for the same offense for double jeopardy purposes.
2. The trial court had no jurisdiction in this case because the prior jurisdictional judgment was on appeal and was, therefore, not a final judgment.
3. The trial court erred by denying Appellant's motion to quash the indictment.
4. The trial court erred by denying Appellant's motion for directed verdict.
5. The trial court erred by sustaining the State's relevance objection to Appellant's proffered evidence that the commitment order was on appeal.

15-0123 FERNANDEZ, JAMES 05/13/15
APPELLANT'S VAL VERDE THEFT BY PUBLIC SERVANT

In affirming a conviction for theft by deception, did the Court of Appeals err in finding evidence of deception when the record shows only lack of actual consent? In other words, and consistent with the language of the statute, may deception only be proven when the record shows actual consent that was induced by deception but not when the record shows lack of actual consent?

15-0143 AMBROSE, CYNTHIA 05/20/15
APPELLEE'S BEXAR OFFICIAL OPPRESSION

1. When a trial judge issues findings of fact and conclusions of law that find a defendant suffered egregious harm from unobjected to jury charge error, does applying the Almanza egregious harm standard on appellate review violate and conflict with Texas (Ex parte Wheeler, 203 S.W.3d 317 (Tex. Crim. App., 2006)) and United States Supreme Court (Oregon v. Kennedy, 456 U.S. 667 (1982)) precedent that a reviewing court must defer to a lower court's factual findings?
2. Under the egregious harm standard, does an appellate court violate Texas (Ex parte Wheeler, 203 S.W.3d 317 (Tex. Crim. App., 2006)) and United States Supreme Court (Oregon v. Kennedy, 456 U.S. 667 (1982)) precedent when it ignores a trial court's factual findings and substitutes its own view of the evidence for that of the trial?
3. If the egregious harm standard does apply on direct review in this case, did the appellate court correctly apply the egregious harm standard when it only considered the testimony that supported the state's case and not "the entire jury charge, the state of the evidence, including the contested issues and weight of probative evidence, the argument of counsel and any other relevant information revealed by the record of the trial as a whole" as required by Almanza v. State, 686 S.W.2d 157 (Tex. Crim. App. 1984).

15-0180 HARKCOM, PATRICIA ELIZABETH 05/20/15
APPELLANT'S HOOD POSSESSION OF METHAMPHETAMINE

Did the Court of Appeals disregard the perfection of appeal rules set forth in Few v. State, 230 S.W.3d 184 (Tex. Crim. App. 2007) and Texas Rules of Appellate Procedure 25.2(c)(2)?

15-0212 FURR, CHRIS 06/10/15
APPELLANT'S NUECES POSSESSION OF CONTROLLED SUBSTANCE

Whether the Court of Appeals erred in holding that, under its view of *Florida v. J.L.*, 529 U.S. 266 (2000), an anonymous tip that a unidentified pedestrian is doing drugs near a homeless shelter, without more, is sufficient to justify a police officer's stop and frisk of a pedestrian the police find near that location?

15-0213 BYRD, THOMAS LEON 05/20/15

APPELLANT'S	**McLENNAN**	**POSSESSION OF CONTROLLED SUBSTANCE; EVADING ARREST OR DETENTION**

2. Whether a trial court may order a sentence to run consecutively with a future parole revocation.

15-0245	**BLEA, JUAN**	**06/24/15**
STATE'S	**DENTON**	**AGGRAVATED ASSAULT OF A FAMILY MEMBER**

Did the Second Court of Appeals improperly apply the standard for reviewing the sufficiency of the evidence in analyzing whether the complainant suffered serious bodily injury?

15-0257	**HENLEY, GREGORY SHAWN**	**06/17/15**
STATE'S	**TARRANT**	**ASSAULT– FAMILY VIOLENCE**

Is a person justified in using force against another to prevent an absent third party from possibly using unlawful force in the future?

15-0280	**WACHTENDORF, JOHN ALLEN, JR**	**04/29/15**
STATE'S	**WILLIAMSON**	**DRIVING WHILE INTOXICATED**

This Court should revisit the existing precedent that the 3rd Court of Appeals misinterpreted, to clarify for the various courts of appeal, and to avoid a manifest unfairness in future State's appeals, that the strict timeline for the State's notice of appeal is predicated upon and requires that the State has adequate notice of the existence of a signed appealable order.

15-0290	**ANTHONY, JOHN DENNIS CLAYTON**	**05/20/15**
STATE'S	**BAILEY**	**AGGRAVATED SEXUAL ASSAULT**

1. When Appellant pled guilty to sexual assault of a child under fourteen, did the court of appeals err by holding that he was ineligible for deferred adjudication because the child was under six, based on an unexplained finding in the judgment that was not pled, supported by the record, or orally pronounced?
2. Did the court of appeals err by finding deficient performance and prejudice due to counsel's advice that Appellant was eligible for deferred adjudication when there was no evidence of how counsel advised Appellant, no evidence of how that advice affected the plea, and Appellant actually received deferred adjudication?
3. Did the court of appeals err by finding ineffective assistance of counsel based on an unexplained finding in the judgment without addressing the State's threshold arguments about the validity of the judgment entry, preservation, and estoppel?

15-0292	**WOLFE, JENNIFER BANNER**	**09/16/15**
APPELLANT'S	**TARRANT**	**INJURY TO A CHILD**

1. Whether the Court of Appeals wrongly decided that the Appellant's point of error that the trial court abused its discretion by admitting unreliable expert testimony of abusive head trauma based solely on a constellation of symptoms did not fairly include the issue whether the expert testimony was unreliable given this specific injured party's history.
2. Whether the Court of Appeals wrongly decided that the trial court did not abuse its discretion by admitting unreliable expert testimony of abusive head trauma based solely on a constellation of symptoms.

15-0372	**SANCHEZ, LUIS**	**07/01/15**
APPELLANT'S	**ECTOR**	**ASSAULT– FAMILY VIOLENCE**

1.A resolution is necessary of the disagreement amongst the justices of the Appellate Court as to whether a defendant can be convicted of assaulting his spouse based solely on their past dating relationship under Tex. Penal Code Ann. §§ 22.01(b)(2) and Tex. Fam. Code § 71.0021(b).
2.An important question of state law is presented that has not been, but should be, settled by this Court as to whether a defendant can be convicted of assaulting his spouse based solely on their past dating relationship under Tex. Penal Code Ann. §§ 22.01(b)(2) and Tex. Fam. Code § 71.0021(b).

15-0429	**DURAN, FRANCISCO**	**07/01/15**
APPELLANT'S	**CAMERON**	**BURGLARY OF A HABITATION**

The Court of Appeals erred in affirming and modifying the judgment of conviction.

15-0445 CARY, DAVID FREDERICK 07/01/15
STATE'S COLLIN BRIBERY, MONEY LAUNDERING, ENGAGING IN ORGANIZED CRIMINAL ACTIVITY

Does an appellate court give proper deference to a jury's finding that the State proved---beyond a reasonable doubt---that the predicate bribery payments were not intended to be "political contributions," when that court focuses on only the evidence tending to *negate* the finding, and fails to consider the totality of the evidence in *support* of the finding, including the rational inferences therefrom?

15-0469 ISBELL, JOHN B. 09/16/15
15-0470
15-0471
15-0472
STATE'S TARRANT EVADING ARREST OR DETENTION, ASSAULT (2 CTS), DEADLY CONDUCT

1. Did the court of appeals employ a deficient egregious harm analysis by applying it to two convictions where there was no accomplice witness issue?
2. Did the court of appeals employ a deficient egregious harm analysis where it failed to consider whether related extraneous offense evidence supplied sufficient corroboration of an accomplice's testimony?

15-0480 LONDON, JOSHUA 06/24/15
APPELLANT'S HARRIS POSSESSION OF A CONTROLLED SUBSTANCE

The Court of Appeals determined that the constitutional challenge to the Sheriff's fees could not be raised for the first time on appeal. The basis for the challenge was not available to Mr. London until 19 days after the judgment was signed. Did the Court of Appeals err in refusing to consider a challenge that was only available post-trial, in derogation of Landers v. State?

15-0483 TOTTEN, RUBEN 08/26/15
STATE'S HARRIS POSSESSION OF A CONTROLLED SUBSTANCE

1. This case should be remanded because an error in the record invalidates the basis for the appeal.
2. Is the possibility that an officer detained the wrong vehicle, without more, determinative of the lawfulness of a detention such that an article 38.23 instruction is required?
3. Is an appellant who identifies no disputed fact issue at trial but raises multiple issues on appeal entitled to the "some harm" standard for preserved charge error?
4. Should the harm analysis for the failure to give an article 38.23 instruction assume the jury would have found in the defendant's favor, or is that the point of the analysis?

15-0511 HENRY, ALVIN PETER, JR. 10/07/15
APPELLANT'S LAMAR EVADING ARREST

3. When the State failed to properly link Petitioner to the enhancement paragraphs, did the Sixth District Court of Appeals unreasonably hold that Petitioner and Coleman's testimony (showing that Petitioner has been to prison multiple times) is sufficient to uphold the prior enhancement convictions, and is this ruling in conflict with Prihada v. State [sic]?

15-0526 SCHUNIOR, VICTOR MANUEL, JR. 09/16/15
STATE'S WEBB AGGRAVATED ASSAULT

1. Is the limitations period for aggravated assault governed by Article 12.01(7) rather than Article 12.03(d) of the Code of Criminal Procedure?
2. If the limitations period for aggravated assault is governed by Article 12.03(d), does the lesser-included offense with the greater limitations period control when the lesser-included offenses of the aggravated assault include both misdemeanor assault and a felony?

15-0587 JONES, ANDREW OLEVIA 08/26/15
APPELLANT'S HARRIS ASSAULT

The Court of Appeals erred in dismissing Mr. Jones's appeal because, as argued in his brief on appeal, the trial court's certification of right to appeal was defective in stating that he had waived his right to appeal. Mr. Jones believes the Court of Appeals incorrectly applied this Court's decision in Ex parte Broadway, 301 S.W.3d 694 (Tex. Crim. App. 2009), and failed to follow Ex parte Delaney, 207 S.W.3d 794 (Tex. Crim. App. 2006), which more aptly fits the circumstances of Mr. Jones's plea.

15-0597 SHORTT, BERNARD WINFIELD 09/16/15
APPELLANT'S DALLAS BURGLARY OF A HABITATION

The Court of Appeals erred when it dismissed Appellant's appeal for want of jurisdiction because: (1) Texas Code of Criminal Procedure Article 44.02 allows appeals from a criminal action, and under this Court's holding in Bautsch v. Galveston, 11 S.W. 414 (Tex. Ct. App. 1889), a hearing on a motion for shock probation is a criminal action; and (2) the issue appealed was an unconstitutional imposition of restitution, and not the granting of shock probation itself.

15-0599 SIMPSON, MARK TWAIN 09/23/15
APPELLANT'S DALLAS ROBBERY

Whether Simpson produced evidence or pointed to evidence in the trial record that substantiated his legal claim in his motion for new trial.

15-0681 CLEMENT, DAVID LEE, JR. 09/16/15
STATE'S WISE DRIVING WHILE INTOXICATED

1. Does a suppression motion's mere citation to the Fourth Amendment and probable cause, or a belated closing argument that anything after the "stop" be suppressed due to lack of probable cause for "arrest," preserve an illegal arrest claim?
2. Did the lower court err by basing its illegal arrest holding on the officer's subjective reasoning rather than the objective facts he articulated that routinely support a DWI arrest?

15-0730 TATE, DALLAS CARL 10/14/15
STATE'S MONTAGUE POSSESSION OF CONTROLLED SUBSTANCE

Did the court of appeals ignore multitude rules of sufficiency review and substitute its judgment for the jury's when it held there was insufficient evidence connecting appellant to the contraband found in plain view in the center console of a car that he owned and was driving?

15-0758 MORGAN, DEWAN 09/16/15
STATE'S DENTON BURGLARY OF A HABITATION

1. In burglary of habitation cases, must trial and appellate courts utilize property law to determine who qualifies as the "owner" of a habitation as defined by the Penal Code?
2. To qualify as "entry without the effective consent of the owner" how much time must elapse after a victim revokes consent for her live-in boyfriend to enter her home for his forcible entry to be deemed a burglary?

15-0794 HOPKINS, ESSIE D. 09/16/15
APPELLANT'S DALLAS AGGRAVATED ROBBERY

The Court of Appeals erred in finding the evidence sufficient to prove the enhancement allegations.

15-0832 JENKINS, JAMES ALAN 09/16/15
STATE'S MONTGOMERY ILLEGAL VOTING

1. The Court of Appeals Erred in Failing to Affirm the Trial Court's Ruling Denying Appellant's Request for a Section 8.03 Mistake of Law Instruction.
2. The Court of Appeals Erred in Finding that Appellant Was Harmed by the Trial Court's Failure to Provide a Section 8.03 Mistake of Law Instruction.

15-1067 PERRY, JAMES RICHARD "RICK" 10/07/15
APPELLANT'S & STATE'S TRAVIS ABUSE OF OFFICIAL CAPACITY

COERCION OF A PUBLIC SERVANT

APPELLANT'S GROUNDS FOR REVIEW:

1. Whether the Third Court of Appeals erred by holding that all nine of Governor Perry's constitutional challenges to Count I were "as applied" challenges to the abuse of official capacity statute and therefore not cognizable in a pretrial application for writ of habeas corpus?
2. Whether the Third Court of Appeals erred by holding that Governor Perry's challenges to Count I based upon Article II, Section I of the Texas Constitution — separation of powers — were "as applied" challenges to the abuse of official capacity statute and therefore not cognizable in a pretrial application for writ of habeas corpus?
3. Whether the Third Court of Appeals erred by holding that Governor Perry's challenges to Count I based upon Article III, Section 21 of the Texas Constitution — Speech and Debate Clause and common law legislative immunity — were "as applied" challenges to the abuse of official capacity statute and therefore not cognizable in a pretrial application for writ of habeas corpus?
4. Whether, even if all of Governor Perry's constitutional challenges to Count I were in fact "as applied" challenges, the Third Court of Appeals erred in failing to recognize that the same rationale that requires "exceptions" for other "as applied" challenges — specifically prosecutions that would constitute double jeopardy or would be barred by limitations — should apply, with even greater force, to a prosecution based solely on a defendant's exercise of conduct protected by the Speech and Debate Clause and the Separation of Powers provisions of the Texas Constitution and the common law doctrine of legislative immunity?

STATE'S GROUNDS FOR REVIEW:

1. Did the court of appeals incorrectly conflate the tests for First Amendment overbreadth and traditional First Amendment facial unconstitutionality?
2. Applying the definition of "coercion" from TEX. PENAL CODE § 1.07(a)(9)(F), does the Coercion of a Public Servant statute ban a substantial amount of constitutionally protected speech relative to its plainly legitimate sweep?