GRANTED ISSUES

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

ISSUES GRANTED MAY 13, 2015

PDR NO.	NAME	COUNTY	OFFENSE
15-0070	**RAMSEY, DONALD LYNN aka RAMSAY, DONALD LYNN**	**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?

15-0123	**FERNANDEZ, JAMES**	**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?

ALPHABETICAL LISTING WITHOUT ISSUES

PDR NO.	NAME	DATE GRANTED
14-1076	BELTRAN, RICARDO	01/28/15
14-0162	BLASDELL, BRANDON SCOTT	10/15/14
14-1087	BRODNEX, IKE ANTYON	11/05/14
14-1341	CARY, STACY STINE	03/25/15
14-0545	CASTILLO, THOMAS EDWARD	09/17/14
15-0077	COLE, STEVEN	04/22/15
14-1501	CORNWELL, ROBERT WILLIAM	02/11/15
14-0501	CORTEZ, DAMIEN HERNANDEZ	09/17/14
14-1514	DABNEY, RONNIE LEON	03/04/15
14-0572/73	DONALDSON, PATRICIA	02/04/15
14-0474	DONOVAN, LAWRENCE	09/17/14
14-0857	DOUDS, KENNETH LEE	09/17/14
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
14-0738	GREEN, JOSEPH LESTER	09/17/14
14-0125	GUTHRIE-NAIL, VERA ELIZABETH	04/30/14
14-0622	HOLIDY, MARCUS BRUCE	08/20/14
14-0433	HUSE, HAYDEN	09/17/14
14-1189	JAGANATHAN, FRANCHESKA V.	11/19/14
14-0823	JACKSON, JOHN BERRY	10/08/14
14-1496	JOHNSON, JOE DALE	04/22/15
14-0228	JOHNSON, TERENCE	04/09/14
14-1340	KENT, KEVIN LAVELLE	02/04/15
15-0072	LEMING, JAMES EDWARD	04/22/15
14-1595	LIVERMAN, ROGER	02/04/15
14-1596	LIVERMAN, AARON	02/04/15
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
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
14-1043	PAREDES, JOVANY	09/24/14
15-100/01	PERAZA, OSMIN	03/25/15
14-1274	PEYRONEL, BOBBY JOE	12/17/14
14-0789	PHILLIPS, CHRISTOPHER ALLEN	09/17/14
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
14-0421	ROBINSON, LEO DEMORY	07/23/14
14-0278	RODRIGUEZ, ISRAEL YTUARTE	06/18/14
14-0419	SALINAS, ORLANDO	09/17/14
14-1505	SCHLITTLER, DAVID	02/25/15
13-1790-93	SMITH, FREDRICHEE DOUGLAS	06/25/14
14-1615	SMITH, WILLLIAM aka BILL	02/11/15
14-0543	SPEIGHTS, BILLY WAYNE	06/11/14

14-1071	STAIRHIME, RYAN MATTHEW	11/19/14
15-0122	STEVENSON, ERIC DWAYNE	04/29/15
14-1316	THURSTON, GEORGE ANTHONY	01/28/15
14-0679	TORRES, MANUEL	09/17/14
15-0078	VASQUEZ, JOSE	04/15/15
15-0280	WACHTENDORF, JOHN ALLEN, JR.	04/29/15
14-0635	WEEMS, DANIEL JAMES	08/20/14
15-0061	WOOD, CARLTON	04/22/15

NUMERICAL LISTING WITH ISSUES GRANTED

13-1790 **SMITH, FREDRICHEE DOUGLAS** **06/25/14**
13-1791
13-1792
13-1793
APPELLANT'S & STATE'S **HARRIS** **SEXUAL ASSAULT OF A CHILD; POSSESSION OF CHILD PORNOGRAPHY; ONLINE SOLICITATION OF A MINOR**

APPELLANT'S GROUND FOR REVIEW:
Mr. Smith's conviction under Texas Penal Code Section 33.031(b) is void because the Court of Criminal Appeals held this statutory subsection facially unconstitutional.
STATE'S GROUNDS FOR REVIEW:
1. The court of appeals erred in holding that the sufficiency of the evidence justifying the assessment of court costs should be based on the clerk's "bill of costs" rather than on the statutory predicate for the assessment of such costs.
2. The court of appeals erred in failing to reform the judgment to adjudge the correct assessment of court costs as mandated by the relevant statutes.

14-0125 **GUTHRIE-NAIL, VERA ELIZABETH** **04/30/14**
APPELLANT'S **COLLIN** **CONSPIRACY TO COMMIT CAPITAL MURDER**

1. The Court of Appeals erred in holding that the trial court found that Appellant used a deadly weapon during the offense and therefore no error has been shown in the trial court's rendition of a judgment nunc pro tunc.
2. The Court of Appeals erred in holding that the trial court did not err by signing the order nunc pro tunc stating that the trial court's omission of an affirmative finding on the original judgement was not a judicial decision but a clerical error.
ON COURT'S OWN MOTION:
The Court of Appeals erred in holding that the trial court did not deny Appellant due process of law and the right to confrontation when, after signing the original judgment, the trial court almost three months later entered an erroneous judgment nunc pro tunc adding a deadly weapon finding without notice to Appellant.

14-0162 **BLASDELL, BRANDON SCOTT** **10/15/14**
APPELLANT'S **MONTGOMERY** **AGGRAVATED ROBBERY**

1. Eyewitness misidentification is a hallmark of a wrongful conviction.
2. Whether the court of appeals has decided an important question of federal law in a way that conflicts with the applicable decisions of the Court of Criminal Appeals or the Supreme Court of the United States.

14-0228 **JOHNSON, TERENCE** **04/09/14**
STATE'S **HOUSTON** **DESTRUCTION OF FLAG**

Does Penal Code section 42.11, entitled "Destruction of Flag," ban a substantial amount of protected speech, not only in an absolute sense, but also relative to the statute's plainly legitimate sweep?

14-0278 **RODRIGUEZ, ISRAEL YTUARTE** **06/18/14**
STATE'S **BEXAR** **SEXUAL ASSAULT OF CHILD**

1. Did the court of appeals err by considering the original trial judge's voluntary recusal?
2. Did the court of appeals err by concluding that there was a reasonable probability that the original trial judge would have accepted the original ten-year plea-bargain?
3. Did the court of appeals err by concluding that the second trial judge was required to order the State to reoffer the ten-year plea-bargain a second time?
4. Was the court of appeals correct to reverse the trial court's judgment as to conviction and sentence? Or should the court of appeals have only reversed the trial court's judgment as to sentence?

14-0419 SALINAS, ORLANDO 09/17/14
APPELLANT'S HARRIS INJURY TO ELDERLY PERSON

The Fourteenth Court of Appeals decision regarding the constitutionality of the consolidated court cost on severability grounds (neither raised by the State nor briefed by either party) failed to properly address the merits of the argument.
ON COURT'S OWN MOTION:
Whether the Fourteenth Court of Appeals decision that the "appellant failed to satisfy his burden to show that the statute is invalid in all possible applications because he has not established what the funds designated in [Texas Local Government Code] section 133.102(e) actually do" is erroneous in light of clear precedent from this court in reviewing facial challenges to the constitutionality of a statute.

14-0421 ROBINSON, LEO DEMORY 07/23/14
APPELLANT'S DALLAS FAILURE TO COMPLY W/SEX OFFENDER REGISTRATION

1. Is the failure to comply with the sex offender requirements to notify police of an intended move a strict liability offense?
2. In conducting a review of the sufficiency of the evidence, can an intermediate appellate court disregard a trial court's erroneous interpretation of the law?
3. Did the Court of Appeals apply the proper standard of review for conducting a sufficiency analysis under the failure to notify provisions of Tex. Penal Code §§62.055 & 62.102?
4. Is conducting a review of the sufficiency of the evidence, can an intermediate appellate court disregard a trial court's specific findings of fact?

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?

14-0474 DONOVAN, LAWRENCE 09/17/14
APPELLANT'S TARRANT INJURY TO A CHILD

1. Did the Court of Appeals erroneously affirm the trial court's order revoking Petitioner's probation when the trial court ignored a final expunction order entered by the former judge of the court? Can an expunction order that is final be ignored by a court, C.S.C.D. officer, or treatment provider?
2. Did the Court of Appeals erroneously affirm the trial court's order revoking Petitioner's probation when the probation was revoked because Petitioner failed to attend and meet the requisite number of goals of a sex offender treatment program for an offense that had been expunged and for which he had been found "not guilty?"

14-0501 CORTEZ, DAMIEN HERNANDEZ 09/17/14
APPELLANT'S POTTER FRAUDULENT POSSESSION OF IDENTIFYING INFORMATION

Is an item of identifying information, the unit of prosecution in Section 32.51 of the Texas Penal Code, a grouping of identifying information such as is represented in a check, bank statement or credit card, or is it each piece of identifying information that meets the statutory definition of that term, resulting in multiple items being present on a single check, bank statement or credit card? The Court of Criminal Appeals has not addressed this question of law and it should be addressed in order that there may be some uniformity to prosecutions throughout the State.

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.

14-0543 SPEIGHTS, BILLY WAYNE 06/11/14
STATE'S BOWIE AGGRAVATED SEXUAL ASSAULT; INDECENCY W/CHILD

1. Is the subsumption theory of *Patterson v. State* still valid in light of this Court's more recent case law?
2. If *Patterson* is still valid, is indecency by exposure incident to and subsumed by indecency by contact when the defendant masturbates in front of the victim and causes the victim to touch the defendant's penis?

14-0545 CASTILLO, THOMAS EDWARD 09/17/14
STATE'S BEXAR BURGLARY; AGGRAVATED ASSAULT

1. The Court of Appeals erred by reviving *Grady v. Corbin* (overruled by the Supreme Court), and applying a cognate evidence analysis (rejected by this court) in reviewing a double jeopardy claim.
2. The Court of Appeals erred by finding that an aggravated assault on a victim not named in a capital murder indictment was a lesser included offense of the capital murder.
3. The Court of Appeals misapplied the law by finding that an offense was subsumed within the greater if the State "could have" used that offense to prove the greater, rather than that it was required to do 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.

14-0789 PHILLIPS, CHRISTOPHER ALLEN 09/17/14
APPELLANT'S McLENNAN AGGRAVATED ROBBERY

Whether the Court of Appeals erred in holding that the provisions of Art. 38.075 Texas Code of Criminal Procedure do not apply in this case, thereby overruling Appellant's first three issues on appeal?

14-0823 JACKSON, JOHN BERRY 10/08/14
STATE'S MITCHELL POSSESSION OF CONTROLLED SUBSTANCE W/INTENT TO DELIVER

Is evidence "obtained in violation of the law" when it is seized after a detention for an offense committed in the presence of police, who were lawfully situated, when they were aware of the defendant's presence at that location as a result of an illegal tracking device?

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?

14-0857 DOUDS, KENNETH LEE 09/17/14
STATE'S BRAZORIA DRIVING WHILE INTOXICATED

1. Did the Appellant preserve error when he did not address the necessity for the issuance of a search warrant at the motion to suppress hearing and only made a boilerplate claim of violation of constitutional rights in his written motion?
3. Did the Court of Appeals err in finding insufficient exigent circumstances where the arresting officer was delayed in obtaining the blood draw by his investigation of the accident scene which involved an injury?
4. Does application of implied consent negate the necessity of a warrant or exigent circumstances in order to obtain a blood sample under Section 724.012(b) of the Transportation Code?

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.

14-1043 PAREDES, JOVANY 09/24/14
APPELLANT'S HARRIS CAPITAL MURDER

The Court of Appeals erred when, on remand, it affirmed the admission of surrogate expert testimony regarding DNA testing in violation of the Confrontation Clause.

14-1071 STAIRHIME, RYAN MATTHEW 11/19/14
APPELLANT'S HARRIS MURDER

The Court of Appeals determined Mr. Stairhime had waived all error during voir dire when, at the end of voir dire, he made no objection to the seated jury. Mr. Stairhime was denied the right to ask a proper question and made a timely and specific objection. Did the Court of Appeals err in holding that by affirmatively stating no objection to the seated jury, that *all* previously made objections were waived?

14-1076 BELTRAN, RICARDO 01/28/15
APPELLANT'S DALLAS MURDER

For purposes of determining whether an appellant was entitled to a jury instruction on sudden passion, some evidence that he acted in self-defense does not negate all evidence that he acted in sudden passion.

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.

14-1189 JAGANATHAN, FRANCHESKA V. 11/19/14
STATE'S CHAMBERS POSSESSION OF CONTROLLED SUBSTANCE

Does driving in the left lane while not "in the process of passing" after passing a "Left Lane for Passing Only" sign provide reasonable suspicion of a traffic violation?

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?

14-1274 PEYRONEL, BOBBY JOE 12/17/14
STATE'S HARRIS AGGRAVATED SEXUAL ASSAULT

The court of appeals erred in finding that the public-trial issue was preserved for review when the appellant [did] not ask the trial court to do anything and did not alert the trial court to the specific grounds that he would raise on appeal.

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.

14-1316 THURSTON, GEORGE ANTHONY 01/28/15
APPELLANT'S TARRANT TAMPERING WITH EVIDENCE

In the context of tampering with evidence, how far does the "impending or about to take place" definition of "pending" extend? Is it limited to investigations flowing directly from the defendant's action? Or does it extend to situations where the defendant is both temporally and proximately removed from the initiation of the investigation?

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).

14-1472 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.

14-1501 CORNWELL, ROBERT WILLIAM 02/11/15
APPELLANT'S MONTGOMERY IMPERSONATING A PUBLIC SERVANT

To secure a conviction for impersonating a public servant on the theory that the defendant intended to induce another to rely on his acts, the State must prove that the defendant intended to induce another to rely on pretended official acts, not simply any acts.

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?

14-1595 LIVERMAN, ROGER 02/04/15

14-1596 **LIVERMAN, AARON** **02/04/15**
STATE'S **DENTON** **SECURING EXECUTION OF A DOCUMENT BY DECEPTION**

1. Was it the Legislature's intent under Texas Penal Code Section 32.46(a)(1) to criminalize the act of causing a court clerk to file and record a fraudulent lien?
2. Does a clerk's actions of filing and recording a lien equate to "signing or executing" under Texas Penal Code Section 32.46(a)(1)?

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.

15-0061 **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.

15-100 **PERAZA, OSMIN** **03/25/15**
15-101
STATE'S **HARRIS** **AGGRAVATED SEXUAL ASSAULT**

The First Court of Appeals erred by finding the DNA record fee is an unconstitutional tax that violates the separation of powers clause.

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?

15-0280 **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.