

PDR GRANTED ISSUES

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

ISSUES GRANTED JUNE 4, 2026

26-0072 BURGOS-AVILES, RONALD ANTHONY CAPITAL MURDER (2 COUNTS)

APPELLANT'S

The Court of Appeals' rationale for rejecting Appellant's claim that the trial court erred in discharging his second-chair attorney and appointed a new one over his objection fails to properly apply the relevant caselaw.

26-0135-0139 DELANEY, CONNER JEFFERY PROMOTION OF CHILD PORNOGRAPHY (5 COUNTS)

APPELLANT'S

1. The appellate court misconstrued the statutory mens rea requirement by applying the incorrect standard to the specific charge and, subsequently, erred in permitting a finding of knowledge without proof that Appellant was aware his conduct was reasonably certain to cause the result in Texas.

2. The court of appeals' determination that Texas possessed territorial jurisdiction conflicts with prior appellate court decisions that the court itself acknowledged as instructive yet failed to follow in reaching its holding.

ALPHABETICAL LISTING WITHOUT ISSUES

<u>PDR NO.</u>	<u>NAME</u>	<u>DATE GRANTED</u>
25-0839/40	BALLESTER, ISRAEL II	03/05/25
25-0541	BARERRA, GREG ANTHONY III	01/29/26
24-0790	BLOXHAM, THOMAS JOSEPH	01/22/25
26-0072	BURGOS-AVILES, RONALD ANTHONY	06/04/26
25-0452	COLLINS, NATHAN GENE	10/16/25
25-0538	COLUMBUS, BRYAN WILLIAM	10/16/25
25-0651	CRUMLEY, JOHN PAUL	01/22/26
26-0135-39	DELANEY, CONNER JEFFERY	06/04/26
25-0221	DUDAS, JOHN RICHARD	06/11/25
25-0556	GARCIA, ROBERTO	10/09/25
25-0574	HAMMONS, HOUSTON SAMUEL	10/30/25
25-0929	HERNANDEZ, FRANK III	05/21/26
25-0135/36	JAIMES, YOCELIN PEREZ	05/28/25
24-0617-58	KLEINMAN, MICHAEL	10/23/24
25-0873	LAMNISSOS, MARIOS MICHAEL	04/30/26
25-0621	MADAS, NITIN KUMAR	01/15/26
24-0300	MASON, CRYSTAL	08/21/24
25-0643/44	MASON, PAUL DAVID	01/29/26
25-0147	MCDONALD, MADISON	07/02/25
25-0358	MEJIA, FABIAN	07/30/25
22-0581/82	MONTGOMERY, BEECHER	08/21/24
25-0932	MOTEN, HERBERT WAYNE	04/02/26
25-1034	MORRIS, MICHAEL JOSEPH	04/09/26
25-0981	NEUSER, NATHANIEL	04/30/26
25-0523	NGUYEN, DE H	01/22/26
25-1009	PATTERSON, ANTHONY JORDAN	05/07/26
24-0850-52	PEREZ, GILBERTO	01/29/25
25-0715	PHILPOT, PATRICK	04/02/26
23-0894	PITTMAN, ANDELL BRYMONTE	09/24/25
26-0013	PITTS-MARSHALL, DEMONTRE JALEEL	05/07/26
26-0014	RIOS, MANUEL	05/21/26
25-0181	RODRIGUEZ, CARLOS DAVID	05/21/25
26-0019	SALAZAR, REYES	05/07/26
25-0202	STALEY, JAMES IRVEN III	12/11/25
25-0233	STOCKER, JAMIN KIDRON	02/26/26
24-0866	SUAREZ, SAUL LEE	01/29/25
24-0877	TAYLOR, DYLAN EUGENE	01/22/25
25-0872	TOLENTINO, SOSTENES LORENZO	05/21/26
24-1052	TRACY, SHANE BYRON	02/26/25
25-0585	VALDEZ, LUIS ALBERTO	04/16/26
25-0074	WEAVER, QUALON DESHON	04/09/25
25-0692	WILLIAMS, JEMADARI CHINUA	01/29/26
25-0479	WILLIAMS, KENDARIUS	11/20/25

NUMERICAL LISTING WITH ISSUES GRANTED

22-0581/0582

MONTGOMERY, BEECHER

08/21/24

EVADING ARREST THEFT

APPELLANT'S

2. The Second Court of Appeals decided an important question of federal law that conflicts with Court of Criminal Appeals decisions when it held that Appellant's Sixth Amendment right to confront witnesses was not violated by having a virtual hearing on a motion to adjudicate guilt and subsequent sentencing hearing despite his request to be physically present before and during the proceedings

23-0894

PITTMAN, ANDELL BRYMONTE

09/24/25

BURGLARY

STATE'S

1. Since the appeal was abated, can this Court review the decision below, or is it effectively prevented from ever reviewing the statutory issue?
2. Under Article 42.03 of the Code of Criminal Procedure, does "presence" mean physical presence in the courtroom or is videoconference allowed?
3. Assuming error, is a defendant harmed simply because he heard his sentence over videoconference rather than in person?
4. Assuming harmful error, is an entirely new sentencing hearing required when Article 42.03 only instructs that the sentence be pronounced in the defendant's presence?

24-0300

MASON, CRYSTAL

08/21/24

ILLEGAL VOTING

STATE'S

(1) Did the appellate court misapply the legal sufficiency standard of review by:

- crediting Appellant's self-serving testimony which the trial court reasonably could have disregarded; and/or
- resolving an ambiguity in Appellant's testimony in Appellant's favor; and/or
- reweighing evidence in favor of the defense; and/or
- ignoring evidence that supported the verdict; and/or
- applying sufficiency analyses long rejected by this Court; and/or
- failing to view the evidence in the light most favorable to the verdict.

24-0617-0658

KLEINMAN, MICHAEL

10/23/24

MUNICIPAL ORDINANCE VIOLATIONS

STATE'S

1. Can appellate jurisdiction be "substantially" invoked by an appeal bond that does not comply with all statutory requirements?

2. Did the court of appeals err when it interpreted “may” to mean “shall” in Code of Criminal Appeals article 44.15, depriving appellate courts discretion by requiring them to allow amendment or substitution of defective appeal bonds?

24-0790

BLOXHAM, THOMAS JOSEPH

01/22/25

THEFT

STATE’S

1. Can a court determine that the State’s use of immunized testimony violated *Kastigar v. United States*, 406 U.S. 441 (1972), without knowing the substance of that immunized testimony?
2. What is the proper framework to use for presentation and review of a *Kastigar* claim, including invocation, burden of proof, harm analysis, and remedy?

24-0850-0852

PEREZ, GILBERTO

01/29/25

AGGRAVATED ASSAULT

MURDER

POSSESSION OF CONTROLLED SUBSTANCE

APPELLEE’S

1. The lower court’s opinion arguing that the plain-view doctrine is equivalent to standing and can be raised for the first time on appeal creates a split amongst the appellate courts that must be resolved by this Court. *State v. Elrod*, 395 S.W.3d 869 (Tex. App.—Austin 2013).
2. Is the plain-view doctrine equivalent to a standing issue that falls within the waiver exception, allowing the State to raise it for the first time on appeal?
3. Did the appellate court afford the trial court proper deference in overturning its order based on a legal theory the trial court was not given an opportunity to rule on?
4. Did the appellate court erroneously apply the plain-view doctrine?
5. Did the appellate court erroneously apply the independent source doctrine?
6. Did the appellate court err in overruling the trial court’s finding that the arrest warrant for possession was not supported by probable cause?
7. Did the appellate court err in finding the trial court owed the magistrate’s finding deference where the warrant affidavit was based on illegally obtained information?

24-0866

SUAREZ, SAUL LEE

01/29/25

MURDER

STATE’S

A majority of the court of appeals erred in finding that the lead detective was not reasonable in believing that Appellee's mother had apparent authority to consent to the search of her apartment, including Appellee’s bedroom.

24-0877

TAYLOR, DYLAN EUGENE

01/22/25

POSSESSION OF FIREARM BY A FELON

STATE’S

The Court of Appeals erred in interpreting this Court's prior rulings to require strict, mechanical compliance with inventory policy, putting it at odds with other courts of appeal holding the contrary.

24-1052

TRACY, SHANE BYRON

02/26/25

SEXUAL PERFORMANCE BY A CHILD

STATE'S

1. Does "inducing a child to engage in sexual conduct" for purposes of sexual performance by a child require the child's consent or some measurable degree of participation?
2. If the evidence was insufficient to prove the completed offense, did the court of appeals properly state and apply the standard for reformation to attempted sexual performance by a child?

25-0074

WEAVER, QUALON DESHON

04/09/25

EVADING ARREST WITH VEHICLE

STATE'S

1. What role, if any, do a defendant's personal experiences play in the determination of whether his perception of imminent harm is reasonable?
2. Are the reasonableness of both a defendant's perception of necessity and his response wholly within the discretion of the jury, or can a court decide either is unreasonable as a matter of law?
3. Must a harm analysis for charge error consider the likelihood that the outcome would have been different had the jury been properly instructed?
4. Was appellant entitled to an instruction on necessity and, if so, a new trial?

25-0135/0136

JAIMES, YOCELIN PEREZ

05/28/25

INDECENCY WITH A CHILD

STATE'S

1. Should *Cook v. State*, 884 S.W.2d 485 (Tex. Crim. App. 1994), be overruled to the extent it holds that failing to limit the mental state definitions to the right conduct-element is error even when the jury charge otherwise leaves no doubt what the mental state requires?
3. Should failure to limit the abstract definition result in some harm in the absence of anyone telling jurors they could convict on something less than the offense requires?

25-0147

MCDONALD, MADISON

07/02/25

CAPITAL MURDER

APPELLANT'S

1. The Court of Appeals erred by approving the trial court's decision to allow the State to use illegally obtained evidence through its insanity expert because: (1) McDonald's objection to the testimony and behavior of the State's insanity expert was properly preserved and presented on appeal; and (2) the constitutional harm of the testimony was proven. (Issue 6).

25-0181

RODRIGUEZ, CARLOS DAVID

05/21/25

AGGRAVATED SEXUAL ASSAULT OF A CHILD

APPELLANT'S

Did the Court of Appeals error [sic] in holding the trial court did not abuse its discretion in excluding evidence of JG's prior sexual assault allegations that resulted in her sister getting to live with her grandmother?

25-0202

STALEY, JAMES IRVEN III

12/11/25

CAPITAL MURDER

APPELLANT'S

1. When assessing a probable-cause nexus, should Texas adopt the distinction in *Commonwealth v. Fernandes*, 148 N.E.3d 361 (Mass. 2020) (cert. denied), between (1) stranger-on-stranger crimes (like *State v. Baldwin*, 664 S.W.3d 122 (Tex. Crim. App. 2022)) and (2) household-violence homicides where affidavits describe fraught relationships and where devices found in the same home as the relationships and crimes will likely reveal a "clear window into the nature" of those relationships and thus the offense (like here)?
2. Given the trial court's finding that officers relied on the warrant in good faith, the evidence was admissible under the Fourth Amendment and excludable—if at all—only under Texas's statutory rule. Did the court of appeals violate *Holder v. State*, 639 S.W.3d 704 (Tex. Crim. App. 2022) (disavowing Love), by applying the constitutional-error harm standard of rule 44.2(a)?
3. Did the court of appeals violate *Long v. State*, 203 S.W.3d 352 (Tex. Crim. App. 2006), by reversing a conviction for evidentiary error without engaging with the remaining evidence beyond a bald statement that "other evidence" existed? Further, given that the unaddressed evidence overwhelmingly supported the conviction, was the error harmless under any standard?

25-0221

DUDAS, JOHN RICHARD

06/11/25

MURDER

APPELLANT'S

Does a jury instruction on self-defense using deadly force preclude one on necessity?

25-0233

STOCKER, JAMIN KIDRON

02/26/26

CAPITAL MURDER

APPELLANT'S

Does a search warrant affidavit provide probable cause to obtain the contents of Appellant's cell phone when the facts relied on to establish a nexus between the phone and a crime under investigation consist of an anonymous, unverified tip?

COURT'S OWN MOTION

Does the search warrant affidavit in Appellant's case establish a nexus between the cell phone and the criminal activity under investigation under *State v. Baldwin*, 664 S.W.3d 122 (Tex. Crim. App. 2022)?

AGGRAVATED ASSAULT**STATE'S**

1. Does testimony of a narrowly limited portion of an interview mislead jurors and necessitate the admission of more of the interview to answer broader, unasked questions under Rule 107?
3. What standard for harm should be used when evaluating error regarding admissibility of evidence?

UNLAWFUL POSSESSION OF A FIREARM**APPELLANT'S**

1. In holding that a defendant can be "convicted of illegal weapon possession and simultaneously subject to a deadly weapon finding" in the absence of a collateral felony to which the finding could attach, the Seventh Court of Appeals' decision conflicts with those of its sister courts; thus necessitating a review by this Court to resolve the issue. Tex. R. App. P. 66.3(a).
2. The Court of Appeals' decision regarding the propriety of the trial court's inclusion in the judgment against Respondent of a deadly weapon finding when there was no associated felony to which that finding could be attached conflicts with this Court's decision in *Plummer v. State*, and, thus, should be reviewed by the Court. Tex. R. App. P. 66.3(c).

MURDER**APPELLANT'S**

2. Can two extraneous shootings be admitted in a murder trial as same-transaction contextual evidence, when the undisputed testimony from an accomplice proved they were unrelated to the charged offense?
3. Can those same shootings be admitted to rebut a "defensive theory" that was raised by the State?
4. Does an appellate court err in holding that evidence of extraneous shootings is more probative than prejudicial because it tends to prove the defendant acted in conformity with that evidence?
5. Can photographs and Instagram posts related to firearms be admitted in a murder trial when that evidence either is not related to the offense, or is not related to the defendant?

FELONY MURDER**APPELLANT'S**

Did the Court of Appeals err by treating *Wells* as binding authority rather than a hodgepodge of conflicting opinions with no controlling majority?

STATE'S

3. If this Court grants review of Defendant-Appellant's petition, before even reaching any advisory Wells issues, should it first recognize that the third-party doctrine independently supports affirming Appellant's judgment?

25-0538

COLUMBUS, BRYAN WILLIAM

10/16/25

ASSAULT

APPELLANT'S

1. Given the distinct "make" and "enter" textual requirements of Article 42.013, and the due process functions they serve, did the court of appeals err in deciding that an affirmative finding of family-violence [AFFV] may appear for the first time in a written judgment even if a defendant receives no opportunity to object before the finding is entered on a judgment?
2. Given the largely irrevocable and decidedly harmful consequences that flow directly from the entry of an AFFV, did the court of appeals err in deciding that such a finding is not part of a defendant's sentence?

25-0541

BARRERA, GREG ANTHONY III

01/29/26

MURDER

APPELLANT'S

1. Should the inquiry for motive to testify for the State be limited to the existence of criminal proceedings against a witness?

COURT'S OWN MOTION

2. Should the Court reconsider or clarify any aspect of its decision in *Irby v. State*, 327 S.W.3d 138 (Tex. Crim. App. 2010)?

25-0556

GARCIA, ROBERTO

10/09/25

ASSAULT

APPELLANT'S

2. The court of appeals erred in its holding that the two Olivias, O.L. and O.G., [were] one and the same.

25-0574

HAMMONS, HOUSTON SAMUEL

10/30/25

ASSAULT—FAMILY VIOLENCE—BY IMPEDING BREATH OR CIRCULATION

APPELLANT'S

The Sixth Court of Appeals erred in holding that a point of error briefed on direct appeal was waived for failing to brief harm.

25-0585

VALDEZ, LUIS ALBERTO

04/16/26

INDECENCY WITH A CHILD

COURT'S OWN MOTION

Did the court of appeals err in holding that the trial court did not abuse its discretion in overruling Appellant's objection to testimony that "[t]hese children were believable"?

25-0621 **MADAS, NITIN KUMAR** **01/15/26**

POSSESSION OF A CONTROLLED SUBSTANCE

STATE'S

1. Contrary to the court of appeals's holding, review of the video shows appellant's consent to search was voluntary and nothing like the oppressive 4-on-1 situation described in *Carmouche v. State*, 10 S.W.3d 323 (Tex. Crim. App. 2000).

25-0643/0644 **MASON, PAUL DAVID** **01/29/26**

POSSESSION AND POSSESSION WITH INTENT TO DELIVER

COURT'S OWN MOTION

Should the Court reconsider or clarify any aspect of its decision in *Ex parte Delaney*, 207 S.W.3d 794 (Tex. Crim. App. 2006)?

25-0651 **CRUMLEY, JOHN PAUL** **01/22/26**

ONLINE SOLICITATION OF A MINOR

APPELLANT'S

1. Did the appellate court err by applying the heightened "directly-rebut-or-truly negate" requirement for mental-disease evidence to the defendant's brothers' testimony, which consisted of observational evidence of his tendency to think a certain way and his behavioral characteristics and background evidence supporting his defense?

25-0692 **WILLIAMS, JEMADARI CHINUA** **01/29/26**

AGGRAVATED PROMOTION OF PROSTITUTION

STATE'S

1. The Court of Appeals erred by bypassing all of the procedural bars raised by the State without explanation or valid legal justification.

2. The Court of Appeals erred by granting relief on a claim that wasn't raised and was without merit.

25-0715 **PHILPOT, PATRICK** **04/02/26**

FORGERY OF A FINANCIAL INSTRUMENT

APPELLANT'S

1. Whether the court of appeals correctly concluded that the cashier's check purported to be the act of an entity called "PacPhil Bank."

2. One of the essential elements of forgery is that the writing purports to be the act of another who did not authorize the act. Does the statutory definition of “another” require the person to be a real individual or entity?
3. Whether a cashier’s check embodying the purported act of a fictitious entity is void on its face and, therefore, not a forgery.
4. Whether the court of appeals correctly found that the exclusion of the statutory definition of “another” and the accompanying pertinent statutory definitions of “person,” “individual,” “corporation,” and “association” from the jury charge did not egregiously harm Petitioner when those definitions were critical to the jury’s determination of whether the State proved beyond a reasonable doubt that Petitioner’s act purported to be the act of another.

25-0839/0840

BALLESTER, ISRAEL II

03/05/26

AGGRAVATED ASSAULT

STATE’S

1. Does submission of an instruction on provoking the difficulty, Tex. Penal Code § 9.31(b)(4), require evidence that the difficulty was a scheme to manufacture a claim of self-defense?
2. If so, should the jury be given non-statutory instructions on the pretextual nature of the provocation?

25-0872

TOLENTINO, SOSTENES LORENZO

05/21/26

DWI

APPELLANT’S

2. The court of appeals erred in reviewing this case solely as a due process matter, when this Court holds that the failure of a trial court to provide a defendant a trial in a language he can speak and comprehend is a Sixth Amendment issue.
3. Even if the trial court’s decision is reviewed solely for an abuse of discretion, the court of appeals erred in how it applied that standard to the record in this case.

25-0873

LAMNISSOS, MARIOS MICHAEL

04/30/26

ASSAULT-FAMILY VIOLENCE

APPELLANT’S

1. When a defendant has knowingly and competently invoked his right to self-representation, may a trial court terminate that right based on questioning it deems irrelevant or repetitive, without explicit findings of deliberate obstructionist misconduct? May an appellate court affirm such termination by applying “almost total deference”?
2. When a trial court revokes a defendant’s right to self-representation mid-trial and forces unprepared standby counsel to take over against the defendant’s wishes, can the court deny a continuance, violating the defendant’s due process rights and leaving the defendant with neither autonomy nor effective assistance of counsel?

25-0929

HERNANDEZ, FRANK III

05/21/26

AGGRAVATED SEXUAL ASSAULT

APPELLANT'S

1. The court of appeals erred in holding that Appellant inadequately briefed his claim that the trial court abused its discretion by denying his motion for new trial based on newly discovered or newly available evidence from Joe Ramirez, the only independent eyewitness who corroborated his justification defense, thereby misapplying Texas Rule of Appellate Procedure 38.1(i) and avoiding the merits of a preserved constitutional and statutory claim under Tex. Code Crim. Proc. art. 40.001 and Carsner.

25-0932

MOTEN, HERBERT WAYNE

04/02/26

AGGRAVATED ASSAULT

STATE'S

1. Should *State v. Heath*, 696 S.W.3d 677 (Tex. Crim. App. 2024), be overruled and "state" in the discovery statute be interpreted to mean the prosecutor's office?
2. Should *State v. Heath*, 696 S.W.3d 677 (Tex. Crim. App. 2024), be overruled and "state" be interpreted to mean "the prosecution"---i.e., those that participate in the investigation or prosecution of the offense?

25-0981

NEUSER, NATHANIEL

04/30/26

INDECENCY WITH A CHILD (2 COUNTS), INJURY TO A CHILD (2 COUNTS)

STATE'S

1. After providing a full opportunity for voir dire, does a trial court abuse its discretion by refusing to permit a party to individually re-question veniremembers whose qualifications are ambiguous only because of the party's own questions?
2. Is a juror subject to a challenge for cause if he indicates that he would either "always or almost always" believe that officers are more truthful than other witnesses?

25-1009

PATTERSON, ANTHONY JORDAN

05/07/26

ENGAGING IN ORGANIZED CRIMINAL ACTIVITY (2 COUNTS), MURDER, ASSAULT-BODILY INJURY

APPELLANT'S

2. Is the Court of Criminal Appeals' holding in *O'Brien v. State* applicable to EOCA when a person is charged as being a member of a criminal street gang rather than being part of a combination?

25-1034

MORRIS, MICHAEL JOSEPH

04/09/26

DWI

APPELLANT'S

Did the court of appeals incorrectly dismiss Petitioner's appeal for want of jurisdiction, when Petitioner attempted to timely file his new trial motion on July 11, 2025, which was rejected by the county clerk's office because of a formatting error when a deputy clerk misinterpreted the e-filing rules, causing this motion to be file-marked with an untimely date, instead of the timely earlier attempted filing date?

26-0013

PITTS-MARSHALL, DEMONTRE JALEEL

05/07/26

ASSAULT

APPELLANT'S

2. Does a federal law enforcement agent "lawfully discharge an official duty" while making a state law misdemeanor arrest when Texas law allows a federal agent to make only state law felony arrests?

26-0014

RIOS, MANUEL

05/21/26

SEXUAL ASSAULT (6 COUNTS), ATTEMPTED SEXUAL ASSAULT

APPELLEE'S

1. Did the Court of Appeals err by overturning the trial court's conclusion that the search warrant affidavit was legally unsworn, and the search warrant of Appellee's phone was facially defective pursuant to Texas Code of Criminal Procedure Article 18.0215(c) such that the good faith exception of Article 38.23(b) did not apply to this case?

2. If a good-faith exception analysis is required, did the Court of Appeals err by extending that exception to a case where the two law enforcement officers and the signing judge were unaware of a ten-year old statute that contained mandatory language reflecting an elevated concern for the privacy rights for the issuance of a search warrant for an electronic communications device?

26-0019

SALAZAR, REYES

05/07/26

CONTINUOUS SEXUAL ABUSE OF A YOUNG CHILD, AGGRAVATED SEXUAL ASSAULT OF A CHILD

COURT'S OWN MOTION

1. Did the court of appeals err to conclude that having ten regular jurors and two alternate jurors participate in the deliberation of Appellant's guilt or innocence, when all twelve regular jurors were present and able and apparently willing to participate in deliberations, did not violate Article V, Section 13, of the Texas Constitution?

2. Did the court of appeals err to conclude that any error in having two alternate jurors inside the jury room and actively participating in deliberations, in violation of Article 36.22 of the Texas Code of Criminal Procedure, was harmless under Rule 44.2(b) of the Texas Rules of Appellate Procedure?

26-0072

BURGOS-AVILES, RONALD ANTHONY

06/04/26

CAPITAL MURDER (2 COUNTS)

APPELLANT'S

The Court of Appeals' rationale for rejecting Appellant's claim that the trial court erred in discharging his second-chair attorney and appointed a new one over his objection fails to properly apply the relevant caselaw.

26-0135-0139

DELANEY, CONNER JEFFERY

06/04/26

PROMOTION OF CHILD PORNOGRAPHY (5 COUNTS)

APPELLANT'S

1. The appellate court misconstrued the statutory mens rea requirement by applying the incorrect standard to the specific charge and, subsequently, erred in permitting a finding of knowledge without proof that Appellant was aware his conduct was reasonably certain to cause the result in Texas.
2. The court of appeals' determination that Texas possessed territorial jurisdiction conflicts with prior appellate court decisions that the court itself acknowledged as instructive yet failed to follow in reaching its holding.