

Court of Criminal Appeals
September 11, 2013

Wade v. State

No. PD-1710-12

Case Summary written by Matt McKee, Staff Member.

Judge Cochran delivered the opinion of the Court, joined by Presiding Judge Keller and Judges Price, Womack, Johnson, Keasler, Hervey, and Alcala. Judge Meyers did not participate.

The appellant was sitting in his vehicle when two game wardens approached him, believing his vehicle looked suspicious. After asking a number of questions, the wardens concluded that the appellant's answers were untruthful. Additionally, noting that the appellant appeared to be "overly nervous," the wardens ordered him out of his vehicle and preformed a *Terry* frisk. When the wardens asked the appellant if he had any weapons, he responded by asking "Why are you doing this to me?" After refusing to allow the wardens to search his vehicle, the wardens placed the appellant under arrest and conducted a search of his vehicle, finding a pipe and a small amount of methamphetamine.

The state filed felony drug charges and the trial court convicted the appellant, finding the warden's search reasonable. After the court of appeals affirmed the trial court's holding, the Court of Criminal Appeals reviewed the case to determine whether an officer can make a reasonable determination of suspicion based upon a suspect's refusal to answer an officer's questions during a consensual encounter.

Evaluating the totality of the circumstances, the court found that "[n]either nervousness nor a refusal to cooperate with an officer during a consensual encounter are sufficient by themselves to constitute reasonable suspicion." The court classified appellant's statements as "fruit of the poisonous tree." Finding the trial court and court of appeals erred in determining the warden's search was reasonable, the court held the appellant's detention was illegal, reversing the court of appeal's holding and remanding the case to the trial court for further proceedings.

Staley v. State

No. AP-76,798

Case Summary written by Leonardo De La Garza, Staff Member.

Judge Alcala delivered the opinion of the Court, joined by Judges Price, Womack, Johnson, and Cocrhan.

Staley was convicted of capital murder and sentenced to death. The trial court held two competency hearings to determine whether Staley was competent to be executed, the first of which found Staley incompetent. Afterwards, the trial court authorized Staley's involuntary medication before a second competency hearing several years later. Having heard expert testimony during the second competency hearing, the trial court found Staley competent to be executed primarily because of the effects of involuntary medication.

Issue: Does state or federal law disallow the execution of a mentally ill inmate who was previously found incompetent to be executed and later became competent only after court ordered involuntary medication?

The court held that the trial court exceeded its authority under the competency-to-be-executed statute (TEX. CODE CRIM. PROC. art. 46.05(m)) to order Staley's involuntary medication. That statute did not authorize the trial court to take any other action with respect to a defendant found incompetent. In addressing the State's arguments for general trial court authority, the court noted the statute's absence of authorization for a trial court restoring an inmate to competency, and it emphasized that the statute's plain language expressly limited the trial court's role. The court also held that, under these circumstances, no other statute permitted Staley's post-conviction involuntary medication. Finding the involuntary-medication order the but-for cause of Staley's competence, the court vacated the trial court's order finding Staley competent to be executed and remanded the case to the trial court for periodic reevaluation.

Keller, J., Dissenting, joined by Judges Hervey and Keasler

J. Keller argues that the majority neglects the dual issues of the case. First, with regards to the trial court's inherent authority, J. Keller believes the trial did have authority to involuntarily medicate Staley. Secondly, with regards to Staley's actual competency, a person who is competent only because of involuntary medication is still competent. J. Keller believes that the only proper remedy would be for the court to overturn the involuntary-medication.

Meyers, J., Dissenting, joined by Presiding Judge Keller and Judge Hervey

J. Meyers argues that the trial court had inherent authority to order medications under its authority to enforce the judgment. The statutory language of TEX. CODE CRIM. PROC. art. 46B.086 instructs the trial court how to proceed. This situation is similar others where the trial court already possessed inherent powers, which were then supplemented by certain procedures. J. Meyers would consider constitutional issues at hand and hold that the judge's decision to order Staley to be medicated did not violate the Eight Amendment.

Henson v. State

PD-1249-12

Case Summary written by Megan Kateff, Staff Member.

Judge Womack delivered the opinion of the Court, joined by Presiding Judge Keller and Judges Price, Johnson, Keasler, Hervey, Cochran, and Alcala.

In this case, the appellant was arrested and charged with aggravated assault for stabbing a "friend" eleven times. For a variety of reasons, the case was reset for trial twenty-five times over the course of three years. The appellant consented to each reset.

On appeal, the appellant raised the speedy-trial issue for the first time. The 6th Amendment guarantees the right to a speedy trial, but a definite amount of delay that goes too far has not yet been established. Instead, four factors are evaluated to determine the delay's reasonableness: the length of the delay, the reason for the delay, the defendant's assertion of his rights, and the resulting prejudice. Texas courts have never ruled on whether the right to a speedy trial does or can require preservation at the trial level to be reviewed on appeal.

In this case, the Court of Criminal Appeals held that the preservation requirement does apply to right-to-speedy-trial claims. Most emphasized by the court is the notable difference between the nature of the right to a speedy trial and the only two rights recognized as exceptions to the preservation requirement: the speedy-trial right "provides an incentive for the defendant to sleep on his rights." If a defendant does not raise the issue of a speedy trial, testimony can become hazy and witnesses less available, which could substantially benefit the defendant in certain circumstances. The court affirmed the judgment of the lower courts, holding that the defendant needed to preserve his complaint at the trial level.

Meyers, J., Dissenting

In Judge Meyers's dissenting opinion, he addressed an alleged oversight of the majority: the preservation analysis is to be applied to error, and failure to request a speedy trial is not error. Because it is not error, the defendant's failure to raise the issue should not preclude his requested relief (review on appeal).