

Court of Criminal Appeals

July 01, 2015

Salinas v. State

No. PD-0419-14

Case Summary written by Allison Grayson, Online Edition Editor.

JUDGE JOHNSON delivered the opinion of the unanimous Court.

A jury convicted Orlando Salinas under Texas Penal Code § 22.04(a)(3), (f), and Texas Penal Code § 12.34(a) for injuring an elderly individual. He received a sentence of five years in prison. Thereafter, the trial court “assessed a consolidated court cost of \$133 pursuant to Texas Local Government Code section 133.102.”

In response, Salinas argued the consolidated court cost constituted a tax, making it unconstitutional. The trial court rejected Salinas’s objection, which the court of appeals affirmed.

Explaining its decision, the court of appeals held that Salinas’s claims failed because he failed to show “what the funds designated in section 133.102(e) actually do.” Furthermore, Salinas failed to address severability principles in his arguments.

Issue: Whether “[t]he 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.” The court further analyzed whether the Fourteenth Court of Appeals decision was “erroneous in light of clear precedent from [the Court of Criminal Appeals] in reviewing facial challenges to the constitutionality of a statute.”

The court did not decide whether the statute is unconstitutional, stating that the “determination [was] left to the court of appeals on remand, when it may apply the appropriate standard for a facial challenge to a statute and hold appellant to his proper burden.” In remanding the case back to the court of appeals, the court explained that the lower court improperly required a severability analysis as part of Salinas’s burden.

Further explaining, the court stated that “a statute requires only that a party establish that the statute in question operates unconstitutionally in all possible circumstances.” Additionally,

severability only need be addressed once a determination is made that part of the statute is invalid.

In response to the lower court's requirement that the appellant show how the statute is invalid in all applications, the court argued that "evidence of how the statute operates in actual practice is irrelevant; courts consider only how the statute is written, not how it operates in actual practice." Therefore, the court sustained this ground as it clearly went against prior precedent.

Because the court of appeals utilized an incorrect standard in its analysis of the issues of this case, the Court of Criminal Appeals reversed and remanded the case.