

Court of Criminal Appeals

July 29, 2015

Campos v. Texas

Nos. PD-0054-15, PD-0055-15, PD-0056-15

Case Summary written by Allison Grayson, Online Edition Editor.

PER CURIUM.

After convicting the appellant of three counts of aggravated sexual assault, a jury “sentenced him to sixty-eight years imprisonment on each count.” During the trial, the court allowed the state of Texas to impeach the appellant, “over objection, with a conviction that was more than ten years old.”

Applying “the common law tacking doctrine to the remote conviction, and assessing its admissibility under Texas Rule of Evidence 609(a)’s ‘outweigh’ standard rather than Rule of Evidence 609(b)’s ‘substantially outweigh’ standard[,]” the court of appeals affirmed the trial court’s decision.

In vacating the court of appeals’ judgment and remanding the case back to the court of appeals, the Court of Criminal Appeals explained that the case required further consideration under the standard used in *Meadows v. State*, 455 S.W.3d 166, 169 (Tex. Crim. App. 2015). In *Meadows*, the court determined that “the unambiguous plain language of Rule of Evidence 609 supplant[ed] the common-law tacking doctrine.”

Furthermore, the court determined that “evidence of a prior conviction is inadmissible to impeach a witness ‘if more than ten years has elapsed since the later of the date of conviction or release of the witness.’” That being said, the evidence may be admissible if the court decides that the probative value of the conviction outweighs the prejudicial effect of allowing the evidence.

Because the court’s decision in *Meadows* was not yet available to the court of appeals, the court remanded the case for further consideration under that standard.