

Court of Criminal Appeals
February 25, 2015

Rodriguez v. State

No. PD-1189-13

Case Summary written by Ryan Wiscombe, Staff Member.

Justice Meyers delivered the unanimous opinion of the Court.

Facts: Rodriguez was charged with felony murder with injury to a child as the underlying offense. A jury found Rodriguez guilty of injury to a child, but not guilty of the felony murder charge. The jury charge included and defined the mental states of intentionally, knowingly, reckless, and criminal negligence. The jury, however, entered a general verdict against Rodriguez, and there was no way to know which mental state of mind the jury found Rodriguez to possess at the time of the incident. The various mental states have differing punishments, so the court did not know which punishment to apply. The court of appeals convicted Rodriguez on the general verdict charge.

Issue: Is a new trial proper to determine an accused's sentencing when a defendant's conviction has been reformed to a lesser conviction?

Holding: A new trial is proper when the defendant's conviction is reduced. In such cases, a new trial should be granted, rather than merely conducting a new punishment hearing.

Analysis: The Supreme Court applied the ruling from *Thornton v. State*, 425 S.W.3d 289, 300 (Tex. Crim. App. 2014) which holds that if (1) in the course of convicting the defendant the jury should have found defendant guilty of every element necessary to convict, and (2) if there is sufficient evidentiary support to convict the defendant of the lesser offense, then the court is required to avoid the unjust result of an outright acquittal by reforming the judgment to convict for the lesser offense.

The Court did not intend for this rule to apply to cases with multiple lesser-included offenses where there is no way to determine which degree of the lesser offenses the defendant is guilty of. In these types of cases, a new trial is necessary to determine to which lesser conviction the defendant is actually guilty of, so as to receive a proper and fair sentencing. Since the general verdict did not specify whether Rodriguez was convicted of intentional, knowing, reckless, or criminal negligence in causing injury to a child, the proper course of action is to remand the case for a new trial to determine which mental state Rodriguez was convicted of and for Rodriguez to receive punishment according to the mental state.

Meadows v. State of Texas

No. PD-0175-14

Case summary written by Kristen Vander-Plas, Staff Member.

The following opinion was delivered Judge Johnson on behalf of the unanimous Court.

Donovan Meadows was convicted of two counts of aggravated robbery. Meadows testified during the punishment phase, where he was cross-examined by the State about his criminal record, which included felonies and misdemeanors. The jury assessed a punishment of seventy-five years per count. Meadows objected to the introduction of his past crimes, as several of the convictions were more than ten years old; the trial judge ruled they were more probative than prejudicial and allowed the cross examination to include the prior convictions.

The Court of Appeals affirmed, holding that the trial judge did not abuse his discretion in allowing the convictions to come in during cross-examination. The court held that Texas Rule of Evidence 609(a) allows for a more lenient standard than 609(b), and the trial judge was within his discretion to allow the questioning. The court did not address Meadows' argument on the inclusion of convictions older than ten years, in violation of Rule 609.

Issue: What is the correct standard for Meadows' convictions and was the standard applied correctly?

Meadows argued that the Court of Appeals applied the wrong rule; it should have conducted a "substantial outweighs" analysis as to the convictions' probative value, which is what Rule 609(b) requires. The state conceded that the Court of Appeals used the incorrect standard, but argued that the probative value indeed *did* outweigh any prejudicial effect, as 609(b) requires. The Court of Criminal Appeals held that 609(b) should have governed the analysis.

Additionally, the Court held that Rule 609(b) overruled the common-law doctrine of "tacking". In essence, the State can no longer "tack" older convictions onto newer convictions in order to admit all of a defendant's convictions. Rule 609(b) no longer allows this practice; older convictions must be proven to be specifically relevant before being admissible, for the enhanced protection of defendants' rights. Accordingly, the Court reversed the Court of Appeals' decision, remanding the case for reconsideration by the Court of Appeals under the correct standard.