

## **PDR GRANTED ISSUES**

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

### **ISSUES GRANTED APRIL 9, 2026**

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**25-1034**

**MORRIS, MICHAEL JOSEPH**

**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?

## ALPHABETICAL LISTING WITHOUT ISSUES

<u>PDR NO.</u>	<u>NAME</u>	<u>DATE GRANTED</u>
25-0839/40	BALLESTER, ISRAEL II	03/05/25
25-0449	BAPTISTE, SHEDRICK JOSEPH	09/24/25
25-0510	BARBER, GRADY JACK	11/06/25
25-0541	BARERRA, GREG ANTHONY III	01/29/26
24-0790	BLOXHAM, THOMAS JOSEPH	01/22/25
25-0452	COLLINS, NATHAN GENE	10/16/25
25-0538	COLUMBUS, BRYAN WILLIAM	10/16/25
25-0651	CRUMLEY, JOHN PAUL	01/22/26
25-0221	DUDAS, JOHN RICHARD	06/11/25
25-0556	GARCIA, ROBERTO	10/09/25
25-0574	HAMMONS, HOUSTON SAMUEL	10/30/25
25-0135/36	JAIMES, YOCELIN PEREZ	05/28/25
24-0617-58	KLEINMAN, MICHAEL	10/23/24
24-0832	LAMBERT, JASON CURTIS	11/20/24
25-0621	MADAS, NITIN KUMAR	01/15/26
24-0300	MASON, CRYSTAL	08/21/24
25-0643/44	MASON, PAUL DAVID	01/29/26
25-0006	MCDONALD, AMANDA	03/12/25
25-0147	MCDONALD, MADIZON	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
25-0523	NGUYEN, DE H	01/22/26
24-0850-52	PEREZ, GILBERTO	01/29/25
25-0715	PHILPOT, PATRICK	04/02/26
23-0894	PITTMAN, ANDELL BRYMONTE	09/24/25
25-0181	RODRIGUEZ, CARLOS DAVID	05/21/25
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
24-1052	TRACY, SHANE BYRON	02/26/25
25-0074	WEAVER, QUALON DESHON	04/09/25
25-0692	WILLIAMS, JEMADARI CHINUA	01/29/26
25-0479	WILLIAMS, KENDARIUS	11/20/25
25-0526	YOUNG, MARTIN	10/30/25

## 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?

**24-0832**

**LAMBERT, JASON CURTIS**

**11/20/24**

**SEXUAL ASSAULT**

**APPELLEE’S**

1. Did the appeals court lose jurisdiction when Stephen Tyler, an assistant district attorney of Jackson County, rather than Pamela E. Guenther, the elected district attorney of Jackson County, filed the notice of appeal? (13 Court of Appeals’ case events dated 1-29-2024).
2. Did the appeals court regain its jurisdiction when the elected district attorney filed its corrected notice of appeal, January 29, 2024, 41 days after the trial court’s order of December 19, 2023 granting Petitioner a new trial? (C.R., pgs. 270-271).
3. Did the appeals court err, April 19, 2024, when it, by an order en banc, denied Petitioner’s motion to dismiss State’s appeal for want of jurisdiction? (13 Court of Appeals’ case events dated 4-19-2024).

**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?

**25-0006**

**MCDONALD, AMANDA**

**03/12/25**

**FAILURE TO STOP AND RENDER AID  
INTOXICATION MANSLAUGHTER**

**STATE'S**

Whether the court of appeals erred when [it] held that McDonald enjoyed a Sixth Amendment right to counsel ten years after an initial investigation resulted in a grand jury no-bill?

**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)?



**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).

**25-0479**

**WILLIAMS, KENDARIUS**

**11/20/25**

**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?

**25-0510**

**BARBER, GRADY JACK**

**11/06/25**

**INTOXICATION MANSLAUGHTER**

**APPELLEE'S**

2. Is an officer authorized to make an arrest for an alleged offense as "within his presence or view" when he has probable cause to arrest due to his post-incident investigation, even though the alleged offense occurred neither in his actual presence nor in his actual view?

**25-0523**

**NGUYEN, DE H**

**01/22/26**

**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?

**25-0526**

**YOUNG, MARTIN**

**10/30/25**

**DRIVING WHILE INTOXICATED**

**STATE’S**

When an appellant makes multiple arguments against a trial court's ruling and pursues only one on appeal, can the court of appeals properly ignore that argument, assume the trial court was right about an abandoned argument, and affirm?

**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. On the Court’s own motion: 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.

**25-0621**

**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**

On the 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?

**25-0932**

**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?

**25-1034**

**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?