# PDR GRANTED ISSUES

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

**NO ISSUES GRANTED FEBRUARY 12, 2026**

# ALPHABETICAL LISTING WITHOUT ISSUES

| PDR NO. | NAME | DATE GRANTED |
|---|---|---|
| 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 |
| 25-0144 | CUEVAS, VICTOR HUGO | 05/07/25 |
| 24-0198 | DORA, JAMES JR. | 06/05/24 |
| 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 |
| 25-0523 | NGUYEN, DE H | 01/22/26 |
| 24-0850-52 | PEREZ, GILBERTO | 01/29/25 |
| 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 |
| 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?

**24-0198 DORA, JAMES JR. 06/05/24**

**AGGRAVATED ROBBERY**

**APPELLANT'S**

1. Did the court of appeals err in holding that the jury need only find the defendant acted recklessly to convict him of aggravated robbery under the "intent to promote or assist" theory of party liability?

**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 thru 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 enbanc, 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 thru 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?

**25-0144 CUEVAS, VICTOR HUGO 05/07/25**

**MURDER**

**APPELLANT'S**

1. The Court of Appeals majority erred in finding harmless error where:

a) Petitioner testified he shot the complainant who was purchasing marijuana from him because the complainant robbed him and threatened to kill him with a handgun (10 RR 178-185, 213-221, 224, 229-230; 11 RR 94-95, 119-121, 136, 179, 199-202, 208);

b) the prosecutor erroneously repeatedly misstated during jury selection, the defense opening statement, and final argument that the law did not allow Petitioner to claim self-defense because he was engaged in criminal activity and the trial judge repeatedly erroneously ruled in favor of the misstatements by the prosecutor (5 RR 80-87, 124-126; 10 RR 119; 13 RR 75-76);

c) over defense objections, the trial judge erroneously included a charge which stated a person does not get a self-defense presumption of reasonableness if he is engaged in criminal activity as well as a provocation charge (12 RR 49-53, 55-57, 91-96, 102-109; 13 RR 4-6; CR 308-319); and

d) over objection, the charge did not set out that the State had to disprove self-defense beyond a reasonable doubt (12 RR 36, 43-47, 74-75, 78).

2. Where a co-defendant testified that he shot at the complainant in self-defense and in defense of the Petitioner, the Court of Appeals majority erred in holding that the trial court, over objections, correctly omitted from the parties charge the issue of the co-defendant acting in self-defense and defense of a third party (10 RR 185-186, 236; 11 RR 177, 179-184, 201-203, 217-218, 241-242).

**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)?

3. Did the court of appeals violate Long v. State, 203 S.W.3d 352 (Tex. Crim. App. 2006), by reversing a conviction for evidentiary error without engaging with the remaining evidence beyond a bald statement that "other evidence" existed? Further, given that the unaddressed evidence overwhelmingly supported the conviction, was the error harmless under any standard?

**25-0221 DUDAS, JOHN RICHARD 06/11/25**

**MURDER**

**APPELLANT'S**

Does a jury instruction on self-defense using deadly force preclude one on necessity?

**25-0358 MEJIA, FABIAN 07/30/25**

**AGGRAVATED ASSAULT**

**STATE'S**

1. Does testimony of a narrowly limited portion of an interview mislead jurors and necessitate the admission of more of the interview to answer broader, unasked questions under Rule 107?

3. What standard for harm should be used when evaluating error regarding admissibility of evidence?

**25-0449 BAPTISTE, SHEDRICK JOSEPH 09/24/25**

**INDECENCY WITH A CHILD**

**APPELLANT'S**

Article V, Section 7 of the Texas Constitution gives district judges "judicial power" to hear and determine felony cases. Associate judges have no "judicial power." Nevertheless, the Legislature has authorized associate judges in Harris County to conduct voir dire and determine the makeup of a jury. Is the selection of a jury an ultimate judicial determination that only a district judge can make?

**25-0452 COLLINS, NATHAN GENE 10/16/25**

**UNLAWFUL POSSESSION OF A FIREARM**

**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 SOLICIATION 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.