

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,
CORPUS CHRISTI–EDINBURG

Seth Michael Adame v. the State of Texas

Adame v. State · No. 13-24-00649-CR · Decided January 29, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas affirmed Seth Michael Adame’s conviction for cruelty to nonlivestock animals. The court held that the evidence, including Adame’s statements and photographic and testimonial evidence, was legally sufficient to support the jury’s verdict without expert testimony or a necropsy. The court also declined to reach an unpreserved self-defense claim.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jon West; Chief Justice Tijerina; Justice Pena; Justice West
JURISDICTION	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
DECIDED	January 29, 2026
DOCKET	13-24-00649-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Adame appealed his jury conviction for cruelty to nonlivestock animals, challenging the legal sufficiency of the evidence. The court of appeals affirmed the trial court's judgment.
STANDARD OF REVIEW	The court reviewed legal sufficiency by considering the evidence in the light most favorable to the prosecution and asking whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. The court presumed that the factfinder resolved conflicting inferences in favor of the verdict, deferred to the jury's credibility determinations, and declined to act as a thirteenth juror.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Seth Michael Adame v. The State of Texas

TOPICS

evidence

criminal procedure

standard of review

appellate procedure

preservation of error

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support Adame's conviction for cruelty to a nonlivestock animal when the State presented no necropsy, autopsy, or expert testimony.
2. Whether the evidence was legally sufficient despite Adame's intoxication, inaccuracies in his statements, and the absence of another eyewitness to the incident.
3. Whether Adame could raise a self-defense claim on appeal when he had not requested a self-defense jury instruction or preserved the issue.

HOLDINGS

1. Expert testimony is not required to establish an animal's injuries or manner of death when the effects of the injury are obvious, and the lay testimony, photographs, and Adame's admissions were legally sufficient here.
2. The evidence was legally sufficient because the jury could accept portions of Adame's statements while rejecting other portions, and credibility and the effect of intoxication were matters for the jury.
3. The court did not reach Adame's self-defense claim because he did not request a self-defense instruction or preserve the issue for appellate review.

KEY QUOTATIONS

“In a sufficiency review, we assess “the evidence in the light most favorable to the prosecution” and determine whether “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.”” (at 3)

“Having reviewed the evidence in this case, including, notably, the inculpatory statements made by appellant to Smith and law enforcement shortly after the incident, we hold that the evidence was legally sufficient to support the jury’s verdict.” (at 5)

FACTUAL BACKGROUND

Adame lived on property where Neal Smith kept birds, including a Moluccan Cockatoo named Timmy, and had repeatedly been instructed not to enter the aviaries or handle the birds. After drinking, Adame admitted to Smith that he had grabbed, squeezed, thrown, stomped on, pushed, and twisted Timmy's head; body-camera footage later showed Adame stating that he had killed and buried the bird. Timmy was found alive but injured and died shortly afterward, and photographs showed his deteriorated condition.

PROCEDURAL HISTORY

A jury convicted Adame of cruelty to nonlivestock animals, a third-degree felony enhanced to a second-degree felony by a prior felony conviction, and the trial court sentenced him to two years' imprisonment. Adame appealed, arguing that the evidence was insufficient because there was no necropsy, autopsy, or expert testimony and because his statements were made while intoxicated and contained inaccuracies. The court of appeals overruled his sole issue and affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Braughton v. State, 569 S.W.3d 592, 607–08, 612 (Tex. Crim. App. 2018)
- Herrera v. State, 513 S.W.3d 223, 228 (Tex. App.—San Antonio 2016, no pet.)
- Montgomery v. State, 369 S.W.3d 188, 192 (Tex. Crim. App. 2012)
- Brooks v. State, 323 S.W.3d 893, 899 (Tex. Crim. App. 2010)
- Wade v. State, 663 S.W.3d 175, 186 (Tex. Crim. App. 2022)
- Julian v. State, No. 05-13-00913-CR, 2014 WL 3587387, at *2 (Tex. App.—Dallas July 21, 2014, no pet.)
- Reed v. State, 991 S.W.2d 354, 360 (Tex. App.—Corpus Christi–Edinburg 1999, pet. ref'd)
- Cain v. State, 958 S.W.2d 404, 409 (Tex. Crim. App. 1997)
- Williams v. State, 662 S.W.3d 452, 461 (Tex. Crim. App. 2021)
- Posey v. State, 966 S.W.2d 57, 63 (Tex. Crim. App. 1998)
- Jauregui v. State, No. 04-09-00254-CR, 2010 WL 1997771, at *2 (Tex. App.—San Antonio May 19, 2010, pet. ref'd)