

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

Harvey Stockton a/k/a Harvey Dewayne Stockton a/k/a Harvey
Wayne Stockton v. The State of Texas

No. 13-24-00524-CR · No. 13-24-00524-CR · Decided June 11, 2026

SUMMARY

The Texas Thirteenth Court of Appeals affirmed Harvey Stockton’s conviction for assault family violence with a prior conviction and his fifty-one-year sentence. The court held that statements captured in two police body-camera videos were non-testimonial for Confrontation Clause purposes because the first involved preliminary questions during an ongoing emergency assessment and the second involved medical evaluation and treatment.

CASE DETAILS

COURT	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Justice Jon West; Chief Justice Tijerina; Justice West; Justice Fonseca
JURISDICTION	Texas Court of Appeals, Thirteenth District
DECIDED	June 11, 2026
DOCKET	13-24-00524-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of conviction for assault family violence with a prior conviction, a third-degree felony.
STANDARD OF REVIEW	Whether an out-of-court statement is testimonial is a question of law reviewed de novo.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Harvey Stockton a/k/a Harvey Dewayne Stockton a/k/a Harvey Wayne Stockton v. The State of Texas

TOPICS

- sixth amendment
- hearsay
- evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether statements recorded in the first body-camera video, made by the alleged victim in response to an officer's preliminary questions at the scene of a reported disturbance, were testimonial hearsay whose admission violated the Sixth Amendment Confrontation Clause.
2. Whether statements recorded in the second body-camera video, made by the alleged victim while being questioned by a paramedic about her injuries and medical needs, were testimonial hearsay whose admission violated the Sixth Amendment Confrontation Clause.
3. Whether admission of the two videos was harmful.

HOLDINGS

1. The first video contained non-testimonial statements because the officer's preliminary, informal questions were directed at assessing and securing a potentially ongoing emergency rather than establishing past events for a later criminal prosecution.
2. The second video contained non-testimonial statements because the paramedic's questions concerned Flores's pain, injuries, and medical treatment, and the statements were made for medical diagnosis or treatment rather than criminal investigation.
3. Because the videos contained non-testimonial statements, their admission did not violate the Confrontation Clause.
4. The court did not need to address the appellant's harm argument because its resolution of the Confrontation Clause issue was dispositive.

KEY QUOTATIONS

“The Confrontation Clause bars admission of any “testimonial” out-of-court statement unless the declarant is unavailable, and the defendant had a prior opportunity to cross-examine the declarant.” (4)

“Generally speaking, a hearsay statement is ‘testimonial’ when the surrounding circumstances objectively indicate that the primary purpose of the interview or interrogation is to establish or prove past events potentially relevant to later criminal prosecution.” (5)

FACTUAL BACKGROUND

Police responded to a reported civil disturbance at an apartment complex and encountered Jazmin Flores, who appeared distraught, was crying and hyperventilating, and reported that Stockton had choked her. Officers and paramedics observed or examined her for possible neck injuries, and two body-camera videos recorded statements she made to an officer at the scene and to a paramedic in an ambulance. Flores was unavailable at trial. The trial court admitted both videos over hearsay and Confrontation Clause objections, and the jury convicted Stockton of assault family violence with a prior conviction.

PROCEDURAL HISTORY

Stockton was indicted for assault family violence by strangulation with a prior conviction, assault family violence with a prior conviction, and burglary of a habitation with intent to commit assault. The State abandoned the burglary count; the jury convicted Stockton on the assault-family-violence count, could not reach a verdict on the strangulation count, and the trial court declared a mistrial on that count. The trial court assessed punishment at fifty-one years' imprisonment. Stockton appealed, challenging admission of two body-camera videos under the Confrontation Clause and arguing that their admission was harmful. The case was transferred from the Tenth Court of Appeals to the Thirteenth Court of Appeals under a docket-equalization order.

DISPOSITION

affirmed

CASES CITED

- Vinson v. State, 252 S.W.3d 336, 338–39 (Tex. Crim. App. 2008)
- Crawford v. Washington, 541 U.S. 36, 59 (2004)
- Langham v. State, 305 S.W.3d 568, 576–77 (Tex. Crim. App. 2010)
- Wall v. State, 184 S.W.3d 730, 742 (Tex. Crim. App. 2006)
- De La Paz v. State, 273 S.W.3d 671, 680 (Tex. Crim. App. 2008)
- Davis v. Washington, 547 U.S. 813, 822–23, 829–30 (2006)
- Michigan v. Bryant, 562 U.S. 344, 361–62 & n.9, 375–77 (2011)
- Kearney v. State, 181 S.W.3d 438, 442 (Tex. App.—Waco 2005, pet. ref'd)
- Spencer v. State, 162 S.W.3d 877, 882–83 (Tex. App.—Houston [14th Dist.] 2005, pet. ref'd)
- Charles v. State, No. 14-23-00598-CR, 2024 WL 5252041, at *5 (Tex. App.—Houston [14th Dist.] Dec. 31, 2024, no pet.)
- Smith v. State, No. 10-15-00181-CR, 2015 WL 9256927, at *4 (Tex. App.—Waco Dec. 17, 2015, pet. ref'd)
- Sanchez v. State, No. 10-25-00090-CR, 2026 WL 1180218, at *5 (Tex. App.—Waco Apr. 30, 2026, no pet. h.)
- Trejo v. State, No. 13-10-00374-CR, 2012 WL 3761895, at *2 (Tex. App.—Corpus Christi–Edinburg Aug. 30, 2012, pet. ref'd)
- Swenson v. State, No. 06-21-00126-CR, 2025 WL 1074970, at *1–2 (Tex. App.—Texarkana Apr. 10, 2025, no pet.)