

COURT OF APPEALS OF TEXAS, ELEVENTH DISTRICT

Larry Dewayne White v. State

No. 11-19-00050-CR · No. No. 11-19-00050-CR · Decided February 11, 2021

SUMMARY

The Eleventh Court of Appeals of Texas affirmed Larry Dewayne White's conviction for murder under Texas Penal Code § 19.02(b)(2) and his sixty-year sentence. The court held that the evidence was sufficient for a rational jury to find that White intended to cause serious bodily injury and committed an act clearly dangerous to human life that caused Kenneth Wayne Williams's death. The court deferred to the jury's resolution of credibility issues and rejected White's sufficiency challenge.

CASE DETAILS

COURT	Court of Appeals of Texas, Eleventh District
WRITING FOR THE COURT	Per curiam; John M. Bailey, Chief Justice; Trotter, Justice; Williams, Justice
JURISDICTION	Texas
DECIDED	February 11, 2021
DOCKET	No. 11-19-00050-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed his jury conviction for murder and sixty-year sentence, arguing that the evidence was legally insufficient to prove that he intended to cause serious bodily injury.
STANDARD OF REVIEW	Under Jackson v. Virginia, the court viewed all of the evidence in the light most favorable to the verdict and determined whether any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. The court considered all admitted evidence, deferred to the jury's credibility and weight determinations, and presumed that the jury resolved conflicting inferences in favor of the verdict.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication under Texas Rule of Appellate Procedure 47.2(b).
PARTIES	Larry Dewayne White v. The State of Texas

TOPICS

mens rea

standard of review

criminal procedure

appellate procedure

burden of proof

PRACTICE AREAS

Texas criminal law

criminal appellate practice

sufficiency of the evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that White intended to cause serious bodily injury as required for murder under Texas Penal Code section 19.02(b)(2).

HOLDINGS

1. The evidence was sufficient for a rational jury to find beyond a reasonable doubt that White intended to cause serious bodily injury and committed an act clearly dangerous to human life that caused Williams's death.
2. Regardless of whether the challenge is characterized as legal or factual sufficiency, Texas courts apply the Jackson v. Virginia standard.

KEY QUOTATIONS

“Under Section 19.02(b)(2), the mens rea element requires only that the accused must have intended to cause serious bodily injury to an individual.” (at 7)

“Thus, under Section 19.02(b)(2), “the intent to kill is not required. It is sufficient to show only the intent to cause serious bodily injury and commit a clearly dangerous act.”” (at 7)

“We conclude that this barbaric act, in and of itself, would permit a rational factfinder to conclude that Appellant intended to cause serious bodily injury to Williams by choking him.” (at 8)

FACTUAL BACKGROUND

White lived with Kenneth Wayne Williams, who was found dead in a bedroom after White summoned neighbors and police for help. Williams had ligature marks, severe head injuries, and evidence indicated that he had been bound and died from strangulation and blunt-force trauma. White gave multiple accounts, ultimately admitting that he choked Williams, restrained him, forced socks and underwear into his mouth with a wooden stick, and applied duct tape across his mouth. A medical examiner testified that strangulation was the primary cause of death.

PROCEDURAL HISTORY

A Taylor County grand jury indicted White for murder in a two-paragraph indictment. A jury found him guilty under paragraph two, which alleged murder under Texas Penal Code section 19.02(b)(2), and assessed sixty years' confinement. The Eleventh Court of Appeals overruled White's sole sufficiency challenge and affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Brooks v. State, 323 S.W.3d 893, 899, 912 (Tex. Crim. App. 2010)
- Polk v. State, 337 S.W.3d 286, 288-89 (Tex. App.—Eastland 2010, pet. ref'd)
- Isassi v. State, 330 S.W.3d 633, 638 (Tex. Crim. App. 2010)
- Winfrey v. State, 393 S.W.3d 763, 767 (Tex. Crim. App. 2013)
- Clayton v. State, 235 S.W.3d 772, 778 (Tex. Crim. App. 2007)
- Thomas v. State, 444 S.W.3d 4, 8 (Tex. Crim. App. 2014)
- Malik v. State, 953 S.W.2d 234, 240 (Tex. Crim. App. 1997)
- Walter v. State, 581 S.W.3d 957, 969-72 (Tex. App.—Eastland 2019, pet. ref'd)
- Cavazos v. State, 382 S.W.3d 377, 384 (Tex. Crim. App. 2012)
- Lugo-Lugo v. State, 650 S.W.2d 72, 81-82 (Tex. Crim. App. 1983)
- Ramirez v. State, 229 S.W.3d 725, 729 (Tex. App.—San Antonio 2007, no pet.)
- Saxton v. State, 804 S.W.2d 910, 914 (Tex. Crim. App. 1991)
- Braughton v. State, 569 S.W.3d 592, 611-13 (Tex. Crim. App. 2018)
- Akbar v. State, 660 S.W.2d 834, 835-36 (Tex. App.—Eastland 1983, pet. ref'd)
- Comeaux v. State, No. 11-10-00308-CR, 2012 WL 2045950, at *2 (Tex. App.—Eastland June 7, 2012, pet. ref'd) (mem. op., not designated for publication)
- Morales v. State, 450 S.W.3d 553, 567-68 (Tex. App.—Houston [14th Dist.] 2014, pet. ref'd)

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