

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

Nathaniel Armed Melendez, Jr. v. The State of Texas

No. 04-24-00705-CR · No. 04-24-00705-CR · Decided April 22, 2026

SUMMARY

The Fourth Court of Appeals of Texas affirmed Nathaniel Armed Melendez, Jr.'s murder conviction and seventy-year sentence. The court held that the evidence was legally sufficient to establish that Melendez acted intentionally or knowingly when he fired ten rounds into a crowded apartment, killing one person and injuring two others. The court also addressed Melendez's claims of ineffective assistance of counsel and improper closing argument.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Irene Rios, Justice; Lori Massey Brissette, Justice; Adrian A. Spears II, Justice
JURISDICTION	Texas Court of Appeals, Fourth Court of Appeals, San Antonio
DECIDED	April 22, 2026
DOCKET	04-24-00705-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Melendez appealed his murder conviction, challenging the legal sufficiency of the evidence, the effectiveness of trial counsel, and the propriety of the State's closing argument.
STANDARD OF REVIEW	Legal sufficiency is reviewed by viewing the evidence in the light most favorable to the verdict and determining whether any rational factfinder could have found the essential elements beyond a reasonable doubt. The appellate court defers to the factfinder's resolution of conflicts, credibility determinations, and reasonable inferences. Ineffective-assistance claims are reviewed under Strickland v. Washington and require proof of deficient performance and prejudice; an undeveloped record is presumed to support reasonable professional assistance. Unpreserved jury-argument complaints are forfeited when the defendant does not object and pursue an adverse ruling.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Nathaniel Armed Melendez, Jr. v. The State of Texas

TOPICS

criminal procedure

ineffective assistance

jury instructions

evidence

preservation of error

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to prove that Melendez acted intentionally or knowingly, as required for murder.
2. Whether trial counsel was ineffective for failing to request limiting and jury instructions concerning evidence that Melendez shot Catalina and Daniel.
3. Whether trial counsel was ineffective for failing to object to the prosecutor's explanation of intent during closing argument.
4. Whether trial counsel was ineffective for failing to request a self-defense instruction.
5. Whether Melendez preserved his complaints that the State made improper closing arguments by failing to object.

HOLDINGS

1. The evidence was legally sufficient for a rational factfinder to find that Melendez acted intentionally or knowingly when he fired ten shots toward people in the apartment and killed Evelyn.
2. Melendez failed to establish ineffective assistance because evidence that he shot Catalina and Daniel was same-transaction contextual evidence, not extraneous-offense evidence requiring a limiting instruction.
3. Melendez failed to establish ineffective assistance because the prosecutor's statement about intent, considered in context with the remainder of the argument and the jury charge, was not a misstatement of law.
4. Melendez failed to establish ineffective assistance because he expressly disclaimed self-defense, denied the culpable mental state necessary for murder, and the undeveloped record permitted a reasonable strategic basis for counsel's decision not to request the instruction.
5. Melendez forfeited his complaints concerning the State's closing argument because he did not object or pursue an adverse ruling.

KEY QUOTATIONS

“The specific intent to kill may be inferred from the use of a deadly weapon unless it is reasonably apparent that death or serious bodily injury could not result from the manner of use.” (at 12)

“Based on the record before us, we conclude a rational factfinder could find that Melendez acted intentionally or knowingly when he opened fire, shooting and killing Evelyn, or that he knowingly pulled the trigger while

knowing that death or serious bodily harm was a reasonably certain result when he aimed and fired ten bullets toward the people in the apartment.” (at 14)

“Therefore, Melendez was not entitled to any limiting instruction on the use of that evidence.” (at 17)

“To be entitled to the self-defense instruction, Melendez would have to acknowledge his culpability in committing the crime.” (at 22)

“Melendez, therefore, waived his issues pertaining to the State’s closing arguments.” (at 23)

FACTUAL BACKGROUND

At a Fourth of July party in an apartment, Melendez and another attendee carried guns. Melendez fired ten rounds toward people inside the apartment, fatally shooting Evelyn Gumbardo and injuring Catalina and Daniel. Melendez testified that he was anxious, paranoid, and afraid that people at the party were going to harm him, but he acknowledged firing the gun into a group of people and knowing that someone could be injured or killed.

PROCEDURAL HISTORY

The State indicted and tried Melendez for murder in the 379th Judicial District Court of Bexar County. A jury found him guilty, and the trial court sentenced him to seventy years' imprisonment. The Fourth Court of Appeals affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- *Witcher v. State*, 638 S.W.3d 707, 709-10 (Tex. Crim. App. 2022)
- *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)
- *Malik v. State*, 953 S.W.2d 234, 240 (Tex. Crim. App. 1997)
- *Hooper v. State*, 214 S.W.3d 9, 15-16 (Tex. Crim. App. 2007)
- *Queeman v. State*, 520 S.W.3d 616, 622 (Tex. Crim. App. 2017)
- *Broughton v. State*, 569 S.W.3d 592, 608 (Tex. Crim. App. 2018)
- *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)
- *Evans v. State*, 202 S.W.3d 158, 163 (Tex. Crim. App. 2006)
- *Romano v. State*, 610 S.W.3d 30, 35 (Tex. Crim. App. 2020)
- *Lee v. State*, 442 S.W.3d 569, 580 (Tex. App.—San Antonio 2014, no pet.)
- *Matson v. State*, 819 S.W.2d 839, 846 (Tex. Crim. App. 1991)
- *Godsey v. State*, 719 S.W.2d 578, 580-81 (Tex. Crim. App. 1986)
- *Medina v. State*, 7 S.W.3d 633, 636-37 (Tex. Crim. App. 1999)
- *Jones v. State*, 944 S.W.2d 642, 647 (Tex. Crim. App. 1996)

- *Balderas v. State*, 517 S.W.3d 756, 766-67 (Tex. Crim. App. 2016)
- *In re J.A.B.*, 440 S.W.3d 818, 823 (Tex. App.—El Paso 2013, no pet.)
- *Clay v. State*, 240 S.W.3d 895, 905 n.11 (Tex. Crim. App. 2007)
- *Bigby v. State*, 892 S.W.2d 864, 883 (Tex. Crim. App. 1994)
- *Miller v. State*, 548 S.W.3d 497, 499 (Tex. Crim. App. 2018)
- *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984)
- *Hernandez v. State*, 726 S.W.2d 53, 56-57 (Tex. Crim. App. 1986)
- *Johnson v. State*, 624 S.W.3d 579, 586 (Tex. Crim. App. 2021)
- *Thompson v. State*, 9 S.W.3d 808, 813 (Tex. Crim. App. 1999)
- *Perez v. State*, 310 S.W.3d 890, 894 (Tex. Crim. App. 2010)
- *Devoe v. State*, 354 S.W.3d 457, 469 (Tex. Crim. App. 2011)
- *Wyatt v. State*, 23 S.W.3d 18, 25 (Tex. Crim. App. 2000)
- *Camacho v. State*, 864 S.W.2d 524, 532 (Tex. Crim. App. 1993)
- *Wesbrook v. State*, 29 S.W.3d 103, 115 (Tex. Crim. App. 2000)
- *Delgado v. State*, 235 S.W.3d 244, 253-54 (Tex. Crim. App. 2007)
- *Milton v. State*, 572 S.W.3d 234, 239-40 (Tex. Crim. App. 2019)
- *Hutch v. State*, 922 S.W.2d 166, 172 (Tex. Crim. App. 1996)
- *Williams v. State*, 937 S.W.2d 479, 490 (Tex. Crim. App. 1996)
- *Gamino v. State*, 537 S.W.3d 507, 510 (Tex. Crim. App. 2017)
- *Shaw v. State*, 243 S.W.3d 647, 657-59 (Tex. Crim. App. 2007)
- *Jordan v. State*, 593 S.W.3d 340, 343 (Tex. Crim. App. 2020)
- *Juarez v. State*, 308 S.W.3d 398, 404, 406 (Tex. Crim. App. 2010)
- *Hart v. State*, 667 S.W.3d 774, 782 (Tex. Crim. App. 2023)
- *Vasquez v. State*, 830 S.W.2d 948, 950 n.3 (Tex. Crim. App. 1992)
- *Hernandez v. State*, 538 S.W.3d 619, 622-23 (Tex. Crim. App. 2018)