

TEXAS COURT OF APPEALS, SECOND APPELLATE DISTRICT AT FORT WORTH

Mike Frederick Bwondara v. The State of Texas

No. 02-25-00148-CR · No. No. 02-25-00148-CR · Decided December 23, 2025

SUMMARY

The Texas Second Court of Appeals affirmed Mike Frederick Bwondara’s conviction for driving while intoxicated. The court rejected challenges concerning recusal, the handling of pretrial motions, seizure of vehicle keys, alleged fabricated evidence, field sobriety testing, consent to a blood draw, chain of custody, discovery, motions in limine, and alleged structural error. The court held that the trial court and regional presiding judge did not abuse their discretion and that the challenged evidence and procedures did not warrant reversal.

CASE DETAILS

COURT	Texas Court of Appeals, Second Appellate District at Fort Worth
WRITING FOR THE COURT	Brian Walker; Bassel; Womack; Walker
JURISDICTION	Texas Court of Appeals, Second Appellate District at Fort Worth
DECIDED	December 23, 2025
DOCKET	No. 02-25-00148-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from conviction for driving while intoxicated (DWI).
STANDARD OF REVIEW	Abuse of discretion for recusal denial and evidentiary rulings; de novo for constitutional claims.
PRECEDENTIAL VALUE	unpublished
PARTIES	Mike Frederick Bwondara v. The State of Texas

TOPICS

- fourth amendment
- search and seizure
- probable cause
- warrant requirement
- exclusionary rule
- miranda rights
- double jeopardy
- right to counsel
- ineffective assistance
- plea bargaining

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence
- constitutional law

QUESTIONS PRESENTED

1. Whether the regional presiding judge abused discretion by denying a motion to recuse the trial judge.
2. Whether the trial court abused discretion by deferring ruling on pretrial motions.
3. Whether police violated Fourth Amendment rights by seizing defendant's car keys during a traffic stop.
4. Whether the State violated due-process rights by using a fabricated police report.
5. Whether police violated rights by administering a nonstandard field sobriety test.
6. Whether the State violated rights by taking a blood specimen without consent.
7. Whether the trial court abused discretion by admitting blood-test results due to chain-of-custody issues.
8. Whether the State violated rights by failing to disclose and suppressing exculpatory evidence.
9. Whether the trial court's evidentiary rulings constituted structural error.
10. Whether cumulative error warrants reversal of the conviction.

HOLDINGS

1. The regional presiding judge did not abuse discretion by denying the recusal motion because it was not verified, a procedural requirement under Texas Rule of Civil Procedure 18a.
2. The trial court did not abuse discretion by deferring rulings on pretrial motions until trial because pretrial hearings are not mandatory under Texas law.
3. Officer's confiscation of defendant's car keys during an investigative detention for safety reasons did not violate the Fourth Amendment or transform the stop into a custodial arrest.
4. The State did not violate due-process rights because any false statement in the police report was not material and did not affect the jury's judgment.
5. The officer's instruction for defendant to touch his toes was for safe handcuffing, not a field sobriety test, and even if it were, it would not necessarily violate constitutional rights.
6. The State proved by clear and convincing evidence that defendant voluntarily consented to the blood draw, based on oral consent and absence of coercion.
7. The trial court did not abuse discretion by admitting blood-test results because a proper chain of custody was established, and any gaps affected weight, not admissibility.
8. Defendant was not entitled to physical copies of discovery materials under Texas law, and rulings on motions in limine are not appealable.
9. Evidentiary rulings are not structural errors because their harm can be quantitatively assessed; the trial court's ruling did not constitute structural error.
10. Because all other issues were overruled, there was no error to cumulate.

FACTUAL BACKGROUND

Defendant was stopped for failing to maintain a single lane. He admitted to drinking, failed field sobriety tests, and was arrested for DWI. He consented to a blood draw, which showed a BAC of 0.174, well above the legal

limit.

PROCEDURAL HISTORY

Defendant was convicted of DWI by a jury and sentenced to 180 days in jail, a \$2,000 fine, and community supervision. He appealed, raising ten issues.

DISPOSITION

affirmed

CASES CITED

- De Leon v. Aguilar, 127 S.W.3d 1 (Tex. Crim. App. 2004)
- Rammah v. Abdeljaber, 235 S.W.3d 269 (Tex. App.—Dallas 2007, no pet.)
- Jackson v. Puckett, No. 01-22-00369-CV, 2023 WL 1786427 (Tex. App.—Houston [1st Dist.] Feb. 7, 2023, pet. denied)
- Newby v. Uhl, No. 02-10-00466-CV, 2012 WL 3115628 (Tex. App.—Fort Worth Aug. 2, 2012, no pet.)
- State v. Hill, 499 S.W.3d 853 (Tex. Crim. App. 2016)
- Hicks v. State, 508 S.W.2d 400 (Tex. Crim. App. 1974)
- Calloway v. State, 743 S.W.2d 645 (Tex. Crim. App. 1988)
- Bell v. State, 442 S.W.2d 716 (Tex. Crim. App. 1969)
- Derichsweiler v. State, 348 S.W.3d 906 (Tex. Crim. App. 2011)
- Lambeth v. State, 221 S.W.3d 831 (Tex. App.—Fort Worth 2007, pet. ref'd)
- Campbell v. State, 325 S.W.3d 223 (Tex. App.—Fort Worth 2010, no pet.)
- Horton v. State, 16 S.W.3d 848 (Tex. App.—Austin 2000, no pet.)
- Depoy v. State, No. 01-13-00288-CR, 2014 WL 6919543 (Tex. App.—Houston [1st Dist.] Dec. 9, 2014, no pet.)
- White v. State, No. 08-06-00050-CR, 2007 WL 853134 (Tex. App.—El Paso Mar. 22, 2007, no pet.)
- Ex parte Robbins, 360 S.W.3d 446 (Tex. Crim. App. 2011)
- Ex parte Chavez, 371 S.W.3d 200 (Tex. Crim. App. 2012)
- Ex parte Ghahremani, 332 S.W.3d 470 (Tex. Crim. App. 2011)
- Ukwuachu v. State, 613 S.W.3d 149 (Tex. Crim. App. 2020)
- Ex parte Weinstein, 421 S.W.3d 656 (Tex. Crim. App. 2014)
- Carr v. State, No. 09-22-00266-CR, 2024 WL 2178377 (Tex. App.—Beaumont May 15, 2024, no pet.)
- Schroeder v. State, No. 14-12-00523-CR, 2014 WL 129312 (Tex. App.—Houston [14th Dist.] Jan. 14, 2014, pet. ref'd)
- Fienen v. State, 390 S.W.3d 328 (Tex. Crim. App. 2012)
- Meekins v. State, 340 S.W.3d 454 (Tex. Crim. App. 2011)
- Hall v. State, 649 S.W.2d 627 (Tex. Crim. App. 1983)

- *Forte v. State*, 759 S.W.2d 128 (Tex. Crim. App. 1988)
- *State v. Weaver*, 349 S.W.3d 521 (Tex. Crim. App. 2011)
- *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973)
- *Ramos v. State*, 124 S.W.3d 326 (Tex. App.—Fort Worth 2003, pet. ref'd)
- *Zuliani v. State*, 97 S.W.3d 589 (Tex. Crim. App. 2003)
- *Montgomery v. State*, 810 S.W.2d 372 (Tex. Crim. App. 1990)
- *Durrett v. State*, 36 S.W.3d 205 (Tex. App.—Houston [14th Dist.] 2001, no pet.)
- *Avila v. State*, 18 S.W.3d 736 (Tex. App.—San Antonio 2000, no pet.)
- *Stoker v. State*, 788 S.W.2d 1 (Tex. Crim. App. 1989)
- *Hall v. State*, 13 S.W.3d 115 (Tex. App.—Fort Worth 2000)
- *Davis v. State*, 313 S.W.3d 317 (Tex. Crim. App. 2010)
- *Patel v. State*, No. 2-08-032-CR, 2009 WL 1425219 (Tex. App.—Fort Worth May 21, 2009, no pet.)
- *Stature v. State*, No. 02-23-00304-CR, 2024 WL 3458078 (Tex. App.—Fort Worth July 18, 2024, pet. ref'd)
- *Powell v. Hocker*, 516 S.W.3d 488 (Tex. Crim. App. 2017)
- *Hamilton v. State*, No. 01-21-00587-CR, 2023 WL 3099909 (Tex. App.—Houston [1st Dist.] Apr. 27, 2023, pet. ref'd)
- *Thierry v. State*, 288 S.W.3d 80 (Tex. App.—Houston [1st Dist.] 2009, pet. ref'd)
- *Bobo v. State*, 757 S.W.2d 58 (Tex. App.—Houston [14th Dist.] 1988, pet. ref'd)
- *Warner v. State*, 969 S.W.2d 1 (Tex. Crim. App. 1998)
- *Geuder v. State*, 115 S.W.3d 11 (Tex. Crim. App. 2003)
- *Jordan v. State*, 256 S.W.3d 286 (Tex. Crim. App. 2008)
- *Arizona v. Fulminate*, 499 U.S. 279 (1991)
- *In re K.R.*, 63 S.W.3d 796 (Tex. 2001)
- *Martinez v. State*, 212 S.W.3d 411 (Tex. App.—Austin 2006, pet. ref'd)
- *Potier v. State*, 68 S.W.3d 657 (Tex. Crim. App. 2002)
- *Alford v. State*, No. 02-16-00030-CR, 2017 WL 370939 (Tex. App.—Fort Worth Jan. 26, 2017, pet. ref'd)
- *Adkins v. State*, 418 S.W.3d 856 (Tex. App.—Houston [14th Dist.] 2013, pet. ref'd)
- *Jeanty v. State*, No. 02-21-00159-CR, 2023 WL 3114342 (Tex. App.—Fort Worth Apr. 27, 2023, pet. ref'd)
- *Abel v. State*, No. 02-18-00051-CR, 2020 WL 5048078 (Tex. App.—Fort Worth Aug. 27, 2020, no pet.)
- *Bell v. State*, No. 02-18-00244-CR, 2019 WL 1967538 (Tex. App.—Fort Worth May 2, 2019, pet. ref'd)
- *Baker v. State*, No. 03-18-00240-CR, 2019 WL 1646260 (Tex. App.—Austin Apr. 17, 2019, no pet.)