

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Eddie Ray Charles v. the State of Texas

Charles v. State · No. 01-19-00725-CR · Decided August 4, 2022

SUMMARY

The First Court of Appeals of Texas affirmed Eddie Ray Charles’s conviction for continuous sexual abuse of a child and his 75-year prison sentence. The court addressed claims concerning a comment on Charles’s post-arrest silence, an alleged Brady violation involving late-disclosed interview notes, allegedly false expert testimony, and the exclusion of cross-examination concerning a complainant’s pending criminal charges. The court held, among other things, that Charles failed to preserve his post-arrest-silence complaint and that the trial court did not abuse its discretion in limiting cross-examination.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Amparo Guerra; Justice Hightower; Justice Countiss; Justice Guerra
JURISDICTION	Texas
DECIDED	August 4, 2022
DOCKET	01-19-00725-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Charles appealed his jury conviction for continuous sexual abuse of a child or children under age 14 and his sentence of 75 years' imprisonment, challenging the denial of mistrial motions and the exclusion of cross-examination evidence.
STANDARD OF REVIEW	Denial of a motion for mistrial is reviewed for abuse of discretion. The limitation of cross-examination concerning a witness's pending criminal charges is also reviewed for abuse of discretion. The court applied preservation-of-error requirements to the post-arrest-silence issue and reviewed the Brady and false-testimony claims under the governing constitutional materiality and prejudice standards.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Eddie Ray Charles v. The State of Texas

TOPICS

criminal procedure

fifth amendment

evidence

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred in denying a mistrial after the State elicited testimony concerning Charles's post-arrest silence and allegedly failed to give a prompt curative instruction.
2. Whether the trial court erred in refusing to permit cross-examination of Goodman concerning her pending criminal charges and the dismissal offer as evidence of bias or motive.
3. Whether the delayed disclosure of interview notes concerning Kerr violated Brady and required a mistrial.
4. Whether the State's expert's mistaken testimony concerning the subject of an October 2013 interview was false and material so that denial of a mistrial or motion to strike violated due process.

HOLDINGS

1. Charles failed to preserve his complaint because he did not timely object to the testimony concerning his failure to provide a statement and did not object that the curative instruction was insufficiently prompt. Even if preserved, the trial court did not abuse its discretion in denying a mistrial because the detailed instruction to disregard cured any harm.
2. The trial court did not abuse its discretion by refusing to allow cross-examination concerning Goodman's pending criminal charges because Charles failed to establish a causal connection or logical relationship between those charges and any bias or motive in her testimony.
3. Charles failed to establish a Brady violation or entitlement to a mistrial because the interview notes were not included in the appellate record, so the court could not determine whether they were favorable or material or whether their delayed disclosure prejudiced the defense.
4. The trial court did not abuse its discretion in denying a mistrial or motion to strike because the expert's mistaken testimony was corrected before the jury through additional examination and cross-examination, eliminating any false impression.

KEY QUOTATIONS

“An instruction to disregard is effective unless consideration of the facts of the particular case suggests the impossibility of withdrawing the impression produced in the minds of the jury.” (at 12)

“The mere existence of pending charges is not always automatically relevant to show the witness’s potential bias and motive.” (at 19)

“The disclosure of Brady material during trial satisfies the requirements of due process “[i]f the defendant received the material in time to put it to effective use at trial.”” (at 24)

“If the prosecution presents a false picture of the facts by failing to correct its own testimony when it becomes apparent that the testimony was false, then the conviction must be reversed.” (at 28)

FACTUAL BACKGROUND

Charles was convicted of continuously sexually abusing Christy Kerr, his stepdaughter, over several years and of sexually assaulting Kelly Goodman, a young relative, at a family gathering. During trial, a police officer testified that Charles declined to provide a statement, the State produced interview notes concerning Kerr several hours after the defense requested them, and an expert initially misstated that an October 2013 forensic interview concerned Charles rather than another alleged perpetrator. Goodman also had pending criminal charges that had been resolved through an agreement with a special prosecutor shortly before she testified.

PROCEDURAL HISTORY

A jury convicted Charles in the 400th District Court of Fort Bend County, Texas, of continuous sexual abuse of a child or children under age 14. The trial court sentenced him to 75 years' imprisonment and denied his motions for mistrial based on a comment on post-arrest silence, an alleged Brady violation, and allegedly false expert testimony. The trial court also denied his request to cross-examine a complainant about pending criminal charges. The First Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Hawkins v. State, 135 S.W.3d 72, 77 (Tex. Crim. App. 2004)
- Wood v. State, 18 S.W.3d 642, 648 (Tex. Crim. App. 2000)
- Browne v. State, 483 S.W.3d 183, 203 (Tex. App.—Austin 2015, no pet.)
- Lopez v. State, 86 S.W.3d 228, 230 (Tex. Crim. App. 2002)
- State v. Mechler, 153 S.W.3d 435, 439 (Tex. Crim. App. 2005)
- Doyle v. Ohio, 426 U.S. 610, 618 (1976)
- Dinkins v. State, 894 S.W.2d 330, 356-57 (Tex. Crim. App. 1995)
- Rosas v. State, 76 S.W.3d 771, 776 (Tex. App.—Houston [1st Dist.] 2002, no pet.)
- Waldo v. State, 746 S.W.2d 750, 754 (Tex. Crim. App. 1988)
- Johnson v. State, No. 01-11-00820-CR, 2013 WL 4680360, at *7-*8 (Tex. App.—Houston [1st Dist.] Aug. 29, 2013, pet. ref'd) (mem. op., not designated for publication)
- Castro v. State, No. 01-96-00739-CR, 1998 WL 159930, at *1-*2 (Tex. App.—Houston [1st Dist.] Mar. 26, 1998, pet. ref'd) (not designated for publication)
- Carroll v. State, 916 S.W.2d 494, 497-98, 500 (Tex. Crim. App. 1996)
- Carpenter v. State, 979 S.W.2d 633, 634-35 & n.5 (Tex. Crim. App. 1998)
- London v. State, 739 S.W.2d 842, 846-48 (Tex. Crim. App. 1987)

- Delaware v. Van Arsdall, 475 U.S. 673, 679 (1986)
- Irby v. State, 327 S.W.3d 138, 145, 149, 151-52, 154 (Tex. 2010)
- Molina v. State, 450 S.W.3d 540, 551-52 (Tex. App.—Houston [14th Dist.] 2014, no pet.)
- Garcia v. State, No. 13-19-00390-CR, 2020 WL 7757378, at *4 (Tex. App.—Corpus Christi Dec. 30, 2020, no pet.) (mem. op., not designated for publication)
- Brady v. Maryland, 373 U.S. 83, 87-88 (1963)
- Michaelwicz v. State, 186 S.W.3d 601, 613 (Tex. App.—Austin 2006, pet. ref'd)
- Strickler v. Greene, 527 U.S. 263, 280-82 (1999)
- Pena v. State, 353 S.W.3d 797, 809 (Tex. Crim. App. 2011)
- Little v. State, 991 S.W.2d 864, 866-67 (Tex. Crim. App. 1999)
- Perez v. State, 414 S.W.3d 784, 789-90 (Tex. App.—Houston [1st Dist.] 2013, no pet.)
- Murray v. State, No. 08-16-00185-CR, 2018 WL 1663882, at *7 (Tex. App.—El Paso Apr. 6, 2018, pet. ref'd) (not designated for publication)
- Carraway v. State, 507 S.W.2d 761, 764 (Tex. Crim. App. 1974)
- Simpson v. State, No. 05-95-01616-CR, 1997 WL 242811, at *12 (Tex. App.—Dallas May 13, 1997), aff'd, 991 S.W.2d 798 (Tex. Crim. App. 1998) (not designated for publication)
- Villarreal v. State, 576 S.W.2d 51, 65 (Tex. Crim. App. 1978)
- Longoria v. State, No. 13-12-00226-CR, 2013 WL 5675913, at *3 (Tex. App.—Corpus Christi Oct. 17, 2013, no pet.) (mem. op., not designated for publication)
- Ex parte Robbins, 360 S.W.3d 446, 459-60 (Tex. Crim. App. 2011)
- United States v. Agurs, 427 U.S. 97, 103-04 (1976)
- Ex parte Ghahremani, 332 S.W.3d 470, 478 (Tex. Crim. App. 2011)
- Napue v. Illinois, 360 U.S. 264, 269 (1959)
- Ex parte Weinstein, 421 S.W.3d 656, 665-66 (Tex. Crim. App. 2014)
- Losada v. State, 721 S.W.2d 305, 311 (Tex. Crim. App. 1986)
- Vasquez v. State, 67 S.W.3d 229, 239 (Tex. Crim. App. 2002)
- Marchbanks v. State, 341 S.W.3d 559, 562 (Tex. App.—Fort Worth 2011, no pet.)
- Baker v. State, No. 07-19-00048-CR, 2020 WL 3154784, at *8 (Tex. App.—Amarillo June 12, 2020, pet. ref'd) (mem. op., not designated for publication)
- Cooper v. State, 509 S.W.2d 565, 569 (Tex. Crim. App. 1974)