

COURT OF APPEALS OF TEXAS, FOURTEENTH DISTRICT

Ryan Coleman v. the State of Texas

No. 14-19-00237-CR (Tex. App.—Houston [14th Dist.] Oct. 12, 2021) (mem.) · No. 14-19-00237-CR · Decided October 12, 2021

SUMMARY

The Texas Fourteenth Court of Appeals reviewed Ryan Coleman’s conviction for aggravated sexual assault and his challenge to the admission of evidence concerning four alleged extraneous sexual assaults. The court held that the evidence was admissible under Texas Rules of Evidence 404(b) and 403, modified the judgment to delete an incorrect finding that Coleman waived his right to appeal, and affirmed the judgment as modified.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourteenth District
WRITING FOR THE COURT	Frances Bourliot; Zimmerer; Spain
JURISDICTION	Texas
DECIDED	October 12, 2021
DOCKET	14-19-00237-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a jury conviction for aggravated sexual assault and a 70-year prison sentence.
STANDARD OF REVIEW	The admission or exclusion of evidence is reviewed for abuse of discretion. The ruling is affirmed if it falls within the zone of reasonable disagreement.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication under Tex. R. App. P. 47.2(b).
PARTIES	Ryan Coleman v. The State of Texas

TOPICS

evidence relevance criminal procedure standard of review appellate procedure

PRACTICE AREAS

criminal law evidence appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion under Texas Rules of Evidence 404(b) and 403 by admitting evidence of four alleged extraneous sexual assaults to show intent and rebut the defenses of consent and fabrication.

HOLDINGS

1. The extraneous-offense evidence was admissible because it was relevant for a purpose apart from proving character conformity, including proving intent and rebutting the defensive theories of consent and fabrication.
2. The trial court did not abuse its discretion in determining that the probative value of the extraneous-offense evidence was not substantially outweighed by the danger of unfair prejudice.
3. The appellate court had authority to modify the trial court's judgment by deleting the incorrect special finding that Coleman waived his right to appeal.

KEY QUOTATIONS

“Although the extraneous offense evidence in this case took a fair amount of time to present and had some tendency to suggest a decision on an improper basis and potentially to be assigned undue weight, given the strong probative value of the evidence, the State’s need for that evidence, and the lack of any notable tendency of the evidence to confuse or distract the jury, the trial court’s decision to admit the evidence was within the zone of reasonable disagreement.” (9)

“We modify the trial court’s judgment to delete the special finding, “Appeal waived. No permission to appeal granted,” and affirm the judgment as so modified.” (9)

FACTUAL BACKGROUND

The complainant testified that Coleman isolated her in his apartment, prevented her from leaving, threatened or restrained her with a gun and knife, and forcibly penetrated her after she repeatedly refused consent. Police observed that she appeared traumatized and that the apartment showed signs of a struggle; medical personnel documented bruises and abrasions, and DNA evidence could not exclude Coleman as the source of semen recovered from the complainant. At trial, the defense argued that the intercourse was consensual and that the complainant fabricated the allegation to improve her immigration status. The State introduced evidence of four alleged sexual assaults involving other women, each having similarities to the charged offense.

PROCEDURAL HISTORY

A jury convicted Coleman of aggravated sexual assault, and the trial court assessed punishment at 70 years in prison. The trial court denied Coleman's motion to suppress evidence of four alleged extraneous sexual assaults involving other complainants. On appeal, Coleman challenged the admission of that evidence under Texas Rules of Evidence 403 and 404(b). The court of appeals overruled his sole issue, modified the judgment to delete an incorrect finding that he waived his right to appeal, and affirmed the judgment as modified.

DISPOSITION

affirmed

CASES CITED

- De La Paz v. State, 279 S.W.3d 336, 343, 347-48 (Tex. Crim. App. 2009)
- Moses v. State, 105 S.W.3d 622, 627 (Tex. Crim. App. 2003)
- Metcalf v. State, No. 14-19-00101-CR, 2020 WL 1880991, at *5 (Tex. App.—Houston [14th Dist.] Apr. 16, 2020, no pet.)
- Casey v. State, 215 S.W.3d 870, 879, 881-82 (Tex. Crim. App. 2007)
- Segundo v. State, 270 S.W.3d 79, 87 (Tex. Crim. App. 2008)
- Hernandez v. State, 390 S.W.3d 310, 324 (Tex. Crim. App. 2012)
- Montgomery v. State, 810 S.W.2d 372, 378 (Tex. Crim. App. 1990)
- Gigliobianco v. State, 210 S.W.3d 637, 641-42 (Tex. Crim. App. 2006)
- Tinker v. State, 148 S.W.3d 666, 669 (Tex. App.—Houston [14th Dist.] 2004, no pet.)
- Rubio v. State, 607 S.W.2d 498, 501 (Tex. Crim. App. 1980)
- Sandoval v. State, 409 S.W.3d 259, 300 (Tex. App.—Austin 2013, no pet.)
- Rickerson v. State, 138 S.W.3d 528, 531-32 (Tex. App.—Houston [14th Dist.] 2004, pet. ref'd)
- McCombs v. State, 562 S.W.3d 748, 767 (Tex. App.—Houston [14th Dist.] 2018, no pet.)
- Banks v. State, 494 S.W.3d 883, 894 (Tex. App.—Houston [14th Dist.] 2016, pet. ref'd)
- Distefano v. State, 532 S.W.3d 25, 38 (Tex. App.—Houston [14th Dist.] 2016, pet. ref'd)
- French v. State, 830 S.W.2d 607, 609 (Tex. Crim. App. 1992)