

TEXAS COURT OF APPEALS, SEVENTH DISTRICT AT AMARILLO

In re: The Commitment of Billy Rusk, Jr. v. the State of Texas

In re Commitment of Rusk · No. 07-25-00024-CV · Decided March 9, 2026

SUMMARY

The Texas Seventh Court of Appeals affirmed a civil commitment order after a jury found Billy Rusk, Jr. to be a sexually violent predator under the Texas Health and Safety Code. The court held that the State was not required to separately prove antisociality or dangerousness beyond establishing a behavioral abnormality, and it concluded that legally sufficient evidence supported the jury’s finding.

CASE DETAILS

COURT	Texas Court of Appeals, Seventh District at Amarillo
WRITING FOR THE COURT	Lawrence M. Doss; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Texas Court of Appeals, Seventh District at Amarillo
DECIDED	March 9, 2026
DOCKET	07-25-00024-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a civil-commitment judgment entered after a jury found Billy Rusk, Jr. to be a sexually violent predator.
STANDARD OF REVIEW	The court considered all the evidence in the light most favorable to the verdict and asked whether a rational trier of fact could have found the essential elements beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published memorandum opinion of the Texas Court of Appeals, Seventh District at Amarillo.
PARTIES	Billy Rusk, Jr. v. The State of Texas

TOPICS

- health law
- appellate procedure
- standard of review
- statutory interpretation
- expert testimony

PRACTICE AREAS

- health law
- civil commitment
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support the jury's finding that Rusk suffered from a behavioral abnormality making him likely to engage in a predatory act of sexual violence.
2. Whether the State was required to prove antisociality or dangerousness as a separate element in addition to a mental disorder to establish a behavioral abnormality under the Texas civil-commitment statute.

HOLDINGS

1. Proof of antisociality is not required for a finding of behavioral abnormality. The condition predisposing a person to commit a sexually violent offense may or may not include antisociality.
2. The evidence was legally sufficient for a rational jury to find beyond a reasonable doubt that Rusk suffered from a behavioral abnormality making him likely to engage in a predatory act of sexual violence.

KEY QUOTATIONS

“All the State must prove is a condition predisposing the person to commit a sexually violent offense to the extent that the person becomes a menace to the health and safety of another. The condition may or may not include antisociality.” (at 4)

“A behavioral abnormality is a single condition with defined characteristics.” (at 4)

FACTUAL BACKGROUND

Rusk had a decades-long history of sexual offending involving his younger brother, his stepdaughter, and his niece. He pleaded guilty to sexual offenses involving his stepdaughter and niece, served prison time and parole, completed sex-offender treatment, and later reoffended after treatment and supervision. At trial, the State's expert diagnosed him with pedophilic disorder and opined that he had a behavioral abnormality making him likely to engage in a predatory act of sexual violence, while the defense expert disagreed.

PROCEDURAL HISTORY

The State petitioned to civilly commit Rusk as a sexually violent predator before his projected release from prison. After a jury found beyond a reasonable doubt that Rusk was a sexually violent predator, the 99th District Court of Lubbock County entered an order of civil commitment. Rusk appealed, arguing that the evidence was legally insufficient because the State failed to prove antisociality or dangerousness as an additional element.

DISPOSITION

affirmed

CASES CITED

- In re Commitment of Stoddard, 619 S.W.3d 665, 674–75 (Tex. 2020)
- In re Commitment of Delacruz, No. 03-19-00420-CV, 2020 Tex. App. LEXIS 10576, at *3–4 (Tex. App.—Austin Apr. 8, 2021, pet. denied)

- In re Commitment of Acevedo, No. 07-24-00076-CV, 2024 Tex. App. LEXIS 7873, at *4–5 (Tex. App.—Amarillo Nov. 6, 2024, pet. denied)
- In re Commitment of Landeck, No. 10-24-00032-CV, 2024 Tex. App. LEXIS 5279, at *4 (Tex. App.—Waco July 25, 2024, no pet.)

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