

COURT OF APPEALS, SIXTH APPELLATE DISTRICT OF TEXAS

Michael John Brumley v. The State of Texas

No. 06-22-00093-CR, Court of Appeals, Sixth Appellate District of Texas (December 20, 2022)

SUMMARY

The Sixth Court of Appeals of Texas found reversible error in the judgment convicting Michael John Brumley of a Class A misdemeanor for operating a motor vehicle while intoxicated. The court reversed the judgment and remanded with instructions to reform the conviction to a Class B misdemeanor and conduct a new punishment hearing.

CASE DETAILS

COURT	Court of Appeals, Sixth Appellate District of Texas
WRITING FOR THE COURT	Josh R. Morriss, III, Chief Justice; Justice Stevens; Justice van Cleef
JURISDICTION	Texas
DECIDED	December 20, 2022
DOCKET	06-22-00093-CR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Brumley appealed a County Court of Burleson County judgment convicting him of the Class A misdemeanor offense of operating a motor vehicle while intoxicated.
PRECEDENTIAL VALUE	Published opinion; the provided text identifies the decision as a memorandum opinion but does not state its precedential designation.
PARTIES	Michael John Brumley v. The State of Texas

TOPICS

- criminal procedure
- appellate procedure
- sentencing
- remedies

PRACTICE AREAS

- criminal procedure
- criminal sentencing
- appellate remedies

QUESTIONS PRESENTED

- Whether reversible error required reversal of the judgment convicting Brumley of Class A misdemeanor operating a motor vehicle while intoxicated.

2. What relief was appropriate after the reversible error, including whether the conviction should be reformed to a Class B misdemeanor and a new punishment hearing conducted.

HOLDINGS

1. The trial court's judgment convicting Brumley of Class A misdemeanor operating a motor vehicle while intoxicated was affected by reversible error and could not stand.
2. The judgment was to be reformed to reflect a conviction for the Class B misdemeanor offense of operating a motor vehicle while intoxicated, followed by a new punishment hearing attendant to the reformed conviction.

KEY QUOTATIONS

“we reverse the trial court’s judgment convicting Brumley of the Class A misdemeanor offense of operating a motor vehicle while intoxicated. We remand the cause to the trial court with instructions to reform the judgment of conviction to reflect a conviction of the Class B misdemeanor offense of operating a motor vehicle while intoxicated and to conduct a new punishment hearing attendant to the post-reformation conviction.”

FACTUAL BACKGROUND

The judgment states that Brumley was convicted in the County Court of Burleson County of operating a motor vehicle while intoxicated as a Class A misdemeanor. The appellate court determined that reversible error affected the judgment and directed that the conviction be reformed to a Class B misdemeanor, followed by a new punishment hearing.

PROCEDURAL HISTORY

The County Court of Burleson County entered a judgment convicting Brumley of Class A misdemeanor operating a motor vehicle while intoxicated. The Court of Appeals found reversible error, reversed the judgment, and remanded with instructions to reform the conviction to the Class B misdemeanor offense and conduct a new punishment hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reform the judgment of conviction to reflect a conviction for the Class B misdemeanor offense of operating a motor vehicle while intoxicated and conduct a new punishment hearing attendant to the post-reformation conviction.