

COURT OF APPEALS OF THE FIFTH DISTRICT OF TEXAS AT DALLAS

Tavaris Lashawn Watson v. The State of Texas

No. 05-21-00732-CR (Tex. App.—Dallas Nov. 14, 2022) (mem. op.) · No. No. 05-21-00732-CR · Decided November 14, 2022

SUMMARY

The Fifth District Court of Appeals of Texas at Dallas affirmed Tavaris Lashawn Watson’s conviction for burglary of a habitation. The court held that the evidence was sufficient to support the jury’s finding that Watson entered the habitation with intent to commit theft and concluded that his complaint concerning testimony about a halfway house did not warrant a mistrial. The court modified the judgment to reflect that Watson pleaded not true to, and the jury found true, a second enhancement paragraph.

CASE DETAILS

COURT	Court of Appeals of the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Erin A. Nowell; Robbie Partida-Kipness; Craig Smith
JURISDICTION	Texas
DECIDED	November 14, 2022
DOCKET	No. 05-21-00732-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Watson appealed his jury conviction for burglary of a habitation and thirty-three-year sentence, challenging the sufficiency of the evidence and admission of halfway-house evidence. The State filed a cross-issue seeking correction of the judgment's treatment of a second enhancement paragraph.
STANDARD OF REVIEW	The court reviews evidentiary sufficiency in the light most favorable to the verdict and asks whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. It reviews denial of a mistrial for abuse of discretion, viewing the evidence in the light most favorable to the trial court's ruling and upholding the ruling if it falls within the zone of reasonable disagreement.
PRECEDENTIAL VALUE	Nonprecedential unpublished memorandum opinion
PARTIES	Tavaris Lashawn Watson v. The State of Texas

TOPICS

criminal procedure

appellate procedure

standard of review

preservation of error

evidence

PRACTICE AREAS

Texas criminal law

criminal procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that Watson entered the habitation with the intent to commit theft.
2. Whether the trial court erred in denying a mistrial after testimony referred to Watson knowing a friend from a halfway house.
3. Whether the appellate court should modify the judgment to accurately reflect Watson's plea and the jury's finding on the second enhancement paragraph.

HOLDINGS

1. The evidence was legally sufficient for a rational jury to find beyond a reasonable doubt that Watson entered the habitation without consent with the intent to commit theft.
2. The trial court did not abuse its discretion by denying Watson's motion for mistrial because, even assuming the testimony violated a limine order, any error could have been cured by an instruction to disregard, and Watson did not request a lesser remedy.
3. The appellate court could and should modify the judgment to reflect that Watson pleaded not true to the second enhancement paragraph and that the jury found the paragraph true.

KEY QUOTATIONS

“The verdict will be upheld if any rational trier of fact could have found all the essential elements of the offense proven beyond a reasonable doubt.” (at 2)

“This familiar standard gives full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts.” (at 2)

“A mistrial is an appropriate remedy in “extreme circumstances” for a narrow class of highly prejudicial and incurable errors.” (at 8)

“Though requesting lesser remedies is not a prerequisite to a motion for mistrial, when the movant does not first request a lesser remedy, we will not reverse the court’s judgment if the problem could have been cured by the less drastic alternative.” (at 8)

FACTUAL BACKGROUND

At approximately midnight, Chandra Marcell entered her townhouse carrying two purses and a grocery bag after seeing Watson outside. After she locked the door, Watson broke through it, knocked her down, and reached toward her cross-body purse. Chandra's husband fought Watson, who was injured with a meat cleaver; Watson

later gave inconsistent accounts, including that he had been drugged and had no memory of the incident. Police found Watson's identification in a nearby Nissan and recovered a key fob that had apparently fallen from his pocket.

PROCEDURAL HISTORY

A jury in the 416th Judicial District Court of Collin County convicted Watson of burglary of a habitation and assessed a thirty-three-year sentence. Watson appealed. The court of appeals overruled his sufficiency and mistrial-related complaints, sustained the State's cross-issue, modified the judgment to reflect that Watson pleaded not true to the second enhancement paragraph and that the jury found it true, and affirmed the judgment as modified.

DISPOSITION

affirmed

CASES CITED

- Edward v. State, 635 S.W.3d 649, 655-56 (Tex. Crim. App. 2021)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Wise v. State, 364 S.W.3d 900, 903 (Tex. Crim. App. 2012)
- Montelongo v. State, 623 S.W.3d 819, 822 (Tex. Crim. App. 2021)
- Clark v. State, 365 S.W.3d 333, 339 (Tex. Crim. App. 2012)
- Ocon v. State, 284 S.W.3d 880, 884-85 (Tex. Crim. App. 2009)
- Cruz-Banegas v. State, No. 05-21-00256-CR, 2022 WL 2255724, at *4 (Tex. App.—Dallas June 23, 2022, pet. ref'd) (mem. op., not designated for publication)
- Jenkins v. State, 493 S.W.3d 583, 612 (Tex. Crim. App. 2016)
- Gordy v. State, No. 05-19-00444-CR, 2022 WL 632169, at *8 (Tex. App.—Dallas Mar. 4, 2022, pet. ref'd) (mem. op., not designated for publication)
- Anderson v. State, No. 05-16-01157-CR, 2017 WL 5897903, at *6 (Tex. App.—Dallas Nov. 29, 2017, pet. ref'd) (mem. op., not designated for publication)
- Bigley v. State, 865 S.W.2d 26, 27 (Tex. Crim. App. 1993)
- Estrada v. State, 334 S.W.3d 57, 63 (Tex. App.—Dallas 2009, no pet.)