

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT (EASTLAND)

Aashaud McVea v. The State of Texas

McVea · No. 11-24-00239-CR · Decided March 12, 2026

SUMMARY

The Texas Eleventh Court of Appeals affirmed Aashaud McVea's murder conviction and forty-five-year sentence. The court rejected challenges concerning the sufficiency of the evidence supporting rejection of self-defense, denial of a defense-of-third-person instruction, reading back testimony to the jury, and other trial rulings. The opinion is a memorandum opinion issued per curiam.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District (Eastland)
WRITING FOR THE COURT	W. Bruce Williams; Bailey, Chief Justice; Trotter, Justice; W. Bruce Williams, Justice
JURISDICTION	Texas Court of Appeals, Eleventh District
DECIDED	March 12, 2026
DOCKET	11-24-00239-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a jury conviction for murder and a forty-five-year sentence imposed by the 104th District Court of Taylor County, Texas.
STANDARD OF REVIEW	Self-defense sufficiency claims are reviewed under Jackson v. Virginia in the light most favorable to the verdict, with deference to the jury's credibility determinations and resolution of conflicting inferences. Jury-charge error is reviewed in two steps for actual error and harm; where preserved, reversal requires some harm. Decisions concerning reading testimony under Texas Code of Criminal Procedure article 36.28, mistrial, evidentiary admission, and alleged improper jury argument are reviewed for abuse of discretion. Nonconstitutional evidentiary error is disregarded unless it affected substantial rights.
PRECEDENTIAL VALUE	Unpublished and not designated for publication; nonprecedential under Texas Rule of Appellate Procedure 47.2(b).
PARTIES	Aashaud McVea v. The State of Texas

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support the jury's rejection of McVea's self-defense claim.
2. Whether the trial court erred by refusing to instruct the jury on defense of a third person.
3. Whether the trial court abused its discretion under Texas Code of Criminal Procedure article 36.28 by allowing the court reporter to read back Rodriguez's testimony during deliberations.
4. Whether the trial court erred by denying a mistrial after a witness mentioned McVea's TYC hold in violation of a motion in limine.
5. Whether the trial court abused its discretion by admitting evidence of McVea's juvenile adjudication for aggravated assault with a firearm to rebut his testimony that he was unfamiliar with firearms.
6. Whether the State's punishment-phase closing argument improperly appealed to community demands or expectations.

HOLDINGS

1. The evidence was legally sufficient for a rational jury to find the elements of murder beyond a reasonable doubt and reject McVea's self-defense claim beyond a reasonable doubt.
2. The trial court did not err in refusing to submit a defense-of-a-third-person instruction because the evidence did not raise a reasonable belief that deadly force was immediately necessary to protect a third person.
3. The trial court did not abuse its discretion by permitting the court reporter to read back the requested portion of Rodriguez's testimony.
4. The trial court did not abuse its discretion by denying a mistrial after a witness made an isolated reference to McVea's TYC hold.
5. Even assuming the admission of McVea's juvenile aggravated-assault-with-a-firearm adjudication was erroneous, the error was harmless and did not affect his substantial rights.
6. The State's argument was a permissible plea for law enforcement rather than an improper appeal to community demands or expectations, so the trial court did not abuse its discretion in overruling the objection.

KEY QUOTATIONS

"The statute provides a precondition for reading back testimony—a jury dispute ('if the jury disagree')." (15)

"The State's argument here did just that—it was a plea for the jurors to be the voice of the community." (30)

FACTUAL BACKGROUND

After arranging a purported firearm transaction at a residence in Abilene, Isaac Rodriguez and his cousin Isaiah Arellano arrived at the home of McVea's mother. McVea entered their vehicle, obtained a loaded SIG Sauer handgun, and shot Rodriguez and Arellano; Arellano later died from multiple gunshot wounds. The physical evidence, McVea's changing accounts to police, text messages concerning obtaining money through illegal means, and evidence about the locations of shell casings supported the State's version that McVea was the aggressor. McVea testified that Arellano pointed a gun at him and that he shot in self-defense and to protect his girlfriend, who was inside the home.

PROCEDURAL HISTORY

A jury found McVea guilty of murder and assessed punishment at forty-five years' confinement. The trial court sentenced him accordingly. McVea raised six issues on appeal concerning self-defense, a requested defense-of-a-third-person instruction, the reading back of testimony during deliberations, denial of a mistrial, admission of a juvenile adjudication, and punishment-phase jury argument. The court of appeals overruled all six issues and affirmed.

DISPOSITION

affirmed

CASES CITED

- Braughton v. State, 569 S.W.3d 592, 608-09 (Tex. Crim. App. 2018)
- Saxton v. State, 804 S.W.2d 910, 913-14 (Tex. Crim. App. 1991)
- Zuliani v. State, 97 S.W.3d 589, 594 (Tex. Crim. App. 2003)
- Jackson v. Virginia, 443 U.S. 307, 319, 326 (1979)
- Brooks v. State, 323 S.W.3d 893, 899, 912 (Tex. Crim. App. 2010)
- Clayton v. State, 235 S.W.3d 772, 778 (Tex. Crim. App. 2007)
- Hooper v. State, 214 S.W.3d 9, 13 (Tex. Crim. App. 2007)
- Murray v. State, 457 S.W.3d 446, 448 (Tex. Crim. App. 2015)
- Villa v. State, 514 S.W.3d 227, 232 (Tex. Crim. App. 2017)
- Ngo v. State, 175 S.W.3d 738, 743-44 (Tex. Crim. App. 2005)
- Abdnor v. State, 871 S.W.2d 726, 731-32 (Tex. Crim. App. 1994)
- Sakil v. State, 287 S.W.3d 23, 25-26 (Tex. Crim. App. 2009)
- Walters v. State, 247 S.W.3d 204, 209 (Tex. Crim. App. 2007)
- Shaw v. State, 243 S.W.3d 647, 657-58 (Tex. Crim. App. 2007)
- Harris v. State, 645 S.W.2d 447, 456 (Tex. Crim. App. 1983)
- Alvarez v. State, No. 11-17-00282-CR, 2019 WL 6210468, at *3 (Tex. App.—Eastland Nov. 21, 2019, pet. ref'd) (mem. op.)
- Estrada v. State, No. 09-23-00107-CR, 2025 WL 1057215, at *10 (Tex. App.—Beaumont Apr. 9, 2025, no pet.) (mem. op.)

- *Pena v. State*, 635 S.W.2d 912, 914 (Tex. App.—Eastland 1982, pet. ref'd)
- *Valdez v. State*, No. 14-22-00555-CR, 2024 WL 378528, at *5 (Tex. App.—Houston [14th Dist.] Feb. 1, 2024, no pet.) (mem. op.)
- *Balderas v. State*, 517 S.W.3d 756, 797-98 (Tex. Crim. App. 2016)
- *Stredic v. State*, 663 S.W.3d 646, 654 (Tex. Crim. App. 2022)
- *Thomas v. State*, 505 S.W.3d 916, 923 (Tex. Crim. App. 2016)
- *Howell v. State*, 175 S.W.3d 786, 792 (Tex. Crim. App. 2005)
- *Fernandez v. State*, 915 S.W.2d 572, 573 (Tex. App.—San Antonio 1996, no pet.)
- *Tubbs v. State*, No. 05-11-01053-CR, 2012 WL 4950731, at *3 (Tex. App.—Dallas Oct. 18, 2012, no pet.) (mem. op.)
- *Hallman v. State*, 721 S.W.3d 307, 313 (Tex. Crim. App. 2025)
- *Smith v. State*, 286 S.W.3d 333, 339 (Tex. Crim. App. 2009)
- *Williams v. State*, 607 S.W.3d 131, 134 (Tex. App.—Eastland 2020, no pet.)
- *Young v. State*, 137 S.W.3d 65, 70 (Tex. Crim. App. 2004)
- *Sandoval v. State*, 665 S.W.3d 496, 529 (Tex. Crim. App. 2022)
- *Irby v. State*, 327 S.W.3d 138, 147 (Tex. Crim. App. 2010)
- *Feldman v. State*, 71 S.W.3d 738, 755-56 (Tex. Crim. App. 2002)
- *Coble v. State*, 330 S.W.3d 253, 272 (Tex. Crim. App. 2010)
- *De La Paz v. State*, 279 S.W.3d 336, 343 (Tex. Crim. App. 2009)
- *Henley v. State*, 493 S.W.3d 77, 93 (Tex. Crim. App. 2016)
- *Gonzalez v. State*, 544 S.W.3d 363, 373 (Tex. Crim. App. 2018)
- *Barshaw v. State*, 342 S.W.3d 91, 93 (Tex. Crim. App. 2011)
- *Motilla v. State*, 78 S.W.3d 352, 355-58 (Tex. Crim. App. 2002)
- *Davis v. State*, 329 S.W.3d 798, 821 (Tex. Crim. App. 2010)
- *Molina v. State*, 587 S.W.3d 100, 109 (Tex. App.—Houston [1st Dist.] 2019), aff'd, 632 S.W.3d 539 (Tex. Crim. App. 2021)
- *Herrera v. State*, 676 S.W.3d 896, 906 (Tex. App.—Eastland 2023, no pet.)
- *Cortez v. State*, 683 S.W.2d 419, 420-21 (Tex. Crim. App. 1984)
- *Goocher v. State*, 633 S.W.2d 860, 864 (Tex. Crim. App. 1982)

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