

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG

Gerardo Solis III v. the State of Texas

Gerardo Solis III v. State, Nos. 13-24-00483-CR, 13-24-00484-CR (Tex. App.—Corpus Christi–Edinburg June 4, 2026) (mem. op.) · No. Nos. 13-24-00483-CR, 13-24-00484-CR · Decided June 4, 2026

SUMMARY

The Texas Thirteenth Court of Appeals held that the trial court violated Gerardo Solis III's due process rights by adjudicating him guilty and revoking his community supervision while he was incompetent to stand trial. The court reversed the revocation orders in both cases and remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jon West; Chief Justice Tijerina; Justice West; Justice Cron
JURISDICTION	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
DECIDED	June 4, 2026
DOCKET	Nos. 13-24-00483-CR, 13-24-00484-CR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellant appealed the revocation of his community supervision in two criminal cases, arguing that he was incompetent to stand trial and that the trial court abused its discretion by failing to abate the proceedings and appoint an expert to evaluate his competency.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Gerardo Solis III v. The State of Texas

TOPICS

- due process
- criminal procedure
- probation
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court violated appellant's constitutional due process rights by adjudicating him guilty and revoking his community supervision while he was incompetent to stand trial.
2. Whether the trial court abused its discretion by failing to stay the proceedings and conduct a formal competency examination when some evidence suggested appellant might be incompetent.

HOLDINGS

1. A defendant who is incompetent to stand trial may not be adjudicated guilty in a community-supervision revocation or adjudication hearing. Because the undisputed evidence established that appellant was incompetent at the adjudication hearing, the trial court violated his constitutional due process rights by adjudicating him guilty and revoking his community supervision in both cases.
2. When some evidence suggesting that a defendant may be incompetent comes to the trial court's attention, the court must stay the proceedings and conduct a formal competency examination rather than adjudicate the defendant.

KEY QUOTATIONS

"As a matter of constitutional due process, a defendant that is not competent may not stand trial." (at 2)

"Given the undisputed evidence that appellant was incompetent to stand trial at the adjudication hearing, we hold that the trial court violated appellant's due process rights when it adjudicated appellant guilty and revoked his community supervision in both cases." (at 2)

FACTUAL BACKGROUND

During the hearing on the State's motions to revoke community supervision, evidence came to the trial court's attention suggesting that appellant might be incompetent. After a retrospective competency examination, Dr. Vittorio T. Puente concluded that appellant was incompetent to stand trial, and both parties agreed on the record that he was incompetent. The trial court adopted that conclusion, finding that appellant was likely to be restored to competency after treatment, but it had already adjudicated appellant guilty of the underlying offenses and revoked his community supervision.

PROCEDURAL HISTORY

The court of appeals had previously abated and remanded the cases for a retrospective competency trial after determining that some evidence suggested appellant might have been incompetent during the revocation hearing. The trial court found a retrospective examination feasible, appointed Dr. Vittorio T. Puente, and, based on his report and the parties' agreement, found appellant incompetent to stand trial but likely restorable. The appellate court then reversed the orders revoking community supervision and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the trial court's orders revoking appellant's community supervision and remand both cases to the trial court for further proceedings.

CASES CITED

- Solis v. State, Nos. 13-24-00483-CR, 13-24-00484-CR, 2026 WL 482449, at *5 (Tex. App.—Corpus Christi–Edinburg Feb. 19, 2026, order) (mem. op., not designated for publication)
- Boyett v. State, 545 S.W.3d 556, 563 (Tex. Crim. App. 2018)
- Turner v. State, 422 S.W.3d 676, 688 (Tex. Crim. App. 2013)
- Durgan v. State, 240 S.W.3d 875, 878 (Tex. Crim. App. 2007)
- Washington v. State, 584 S.W.3d 929, 930 (Tex. App.—Houston [1st Dist.] 2019, no pet.)

OPINION

Gerardo Solis III v. the State of Texas

PER CURIAM.

NUMBERS 13-24-00483-CR, 13-24-00484-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

GERARDO SOLIS III, Appellant, v. THE STATE OF TEXAS, Appellee.

ON APPEAL FROM THE 206TH DISTRICT COURT

OF HIDALGO COUNTY, TEXAS

MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices West and Cron Memorandum Opinion by Justice West Appellant Gerardo Solis III challenges the revocation of his community supervision in appellate cause numbers 13-24-00483-CR and 13-24-00484-CR. By his sole issue, appellant argues that he was incompetent to stand trial, and “the trial court abused its discretion by not abating the matter and appointing an expert to evaluate [his] competency to stand trial.” We reverse and remand.

I. DISCUSSION

We previously abated and remanded these cases to the trial court to conduct, if feasible, a retrospective competency trial. See Solis v. State, No. 13-24-00483-CR, No. 13-24-00484-CR, 2026 WL 482449, at *5 (Tex. App.—Corpus Christi–Edinburg Feb. 19, 2026, order) (mem. op., not designated for publication). In our memorandum order of abatement, we determined that during the hearing on the State’s motion to revoke appellant’s community supervision “some evidence” came to the attention of the trial court suggesting that appellant might be incompetent.

Id. at *5; see *Boyett v. State*, 545 S.W.3d 556, 563 (Tex. Crim. App. 2018). We concluded that the trial court abused its discretion when it adjudicated appellant guilty of the underlying offenses and failed to stay the proceedings to conduct a formal competency examination. *Solis*, 2026 WL 482449, at *5. On February 24, 2026, the trial court found that a retrospective competency examination was feasible. Two days later, the trial court appointed Dr. Vittorio T. Puente, PhD, to examine appellant and evaluate his competency to stand trial. At the competency hearing, the State admitted Dr. Puente’s report, which concluded that appellant was “incompetent to stand trial and is a person who has a mental illness or is a person with mental retardation.” Both parties agreed on the record that appellant was incompetent to stand trial. On April 30, 2026, the trial court issued a written order. Relying on Dr. Puente’s report, the trial court found that appellant was incompetent to stand trial. The trial court further found “[a]ppellant is a person who has a mental illness or is a person with mental retardation” and “is more likely than not to be restored to competency in the foreseeable future, specifically, after sixty to ninety days in a treatment facility.” 2 “As a matter of constitutional due process, a defendant that is not competent may not stand trial.” *Boyett*, 545 S.W.3d at 563 (citing *Turner v. State*, 422 S.W.3d 676, 688 (Tex. Crim. App. 2013)). This constitutional due process requirement extends to adjudication hearings. *Durgan v. State*, 240 S.W.3d 875, 878 (Tex. Crim. App. 2007). Given the undisputed evidence that appellant was incompetent to stand trial at the adjudication hearing, we hold that the trial court violated appellant’s due process rights when it adjudicated appellant guilty and revoked his community supervision in both cases. See *Turner*, 422 S.W.3d at 688. Accordingly, we sustain appellant’s sole issue in both cases. The appropriate disposition of this appeal is a reversal of the trial court’s orders revoking appellant’s community supervision and a remand for further proceedings. See, e.g., *Washington v. State*, 584 S.W.3d 929, 930 (Tex. App.—Houston [1st Dist.] 2019, no pet.) (reversing and remanding to the trial court for further proceedings after appellant’s retrospective competency trial indicated that he “was incompetent when he was tried and convicted”).

II. CONCLUSION

We reverse the trial court’s orders revoking appellant’s community supervision and remand these cases to the trial court for further proceedings.

JON WEST

Justice Do not publish. TEX. R. APP. P. 47.2(b). Delivered and filed on the 4th day of June, 2026.