

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

In re State ex rel. Steven A. Wadsworth

No. 04-22-00181-CV · No. No. 04-22-00181-CV · Decided August 31, 2022

SUMMARY

The Fourth Court of Appeals of Texas conditionally granted in part and denied in part the State's petition for writ of mandamus in a juvenile sexual-assault proceeding. The court held that the State had standing to challenge subpoenas seeking access to the complainant's cell phone and related communications, and that the juvenile was entitled to seek material and favorable evidence. However, the trial court abused its discretion by ordering production of the cell phone and passwords for in-camera inspection without further proceedings to determine the least intrusive means of obtaining the information; the court upheld the ordered thirty-minute inspection of the Jeep.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Lori I. Valenzuela, Justice; Patricia O. Alvarez, Justice; Beth Watkins, Justice
JURISDICTION	Texas
DECIDED	August 31, 2022
DOCKET	No. 04-22-00181-CV
DISPOSITION	writ_granted
PROCEDURAL POSTURE	The State sought mandamus relief from an order in a juvenile proceeding that granted the juvenile's motion to inspect physical evidence, ordered the complainant's parents to produce a cell phone and passwords for in-camera inspection, and denied the State's motion to quash subpoenas.
STANDARD OF REVIEW	Mandamus requires proof that the trial court clearly abused its discretion and that the relator lacks an adequate remedy by appeal. A trial court abuses its discretion when its decision is so arbitrary and unreasonable as to constitute clear and prejudicial legal error or when it clearly fails to analyze or apply the law correctly.
PRECEDENTIAL VALUE	Published opinion

PARTIES

State ex rel. Steven A. Wadsworth, County Attorney, Gillespie County,
Texas v. M.A.C.S.C., real party in interest

TOPICS

appellate procedure criminal procedure evidence remedies due process

PRACTICE AREAS

appellate procedure criminal procedure juvenile law evidence constitutional law

QUESTIONS PRESENTED

1. Whether the State had standing to seek mandamus relief challenging subpoenas directed to the complainant's parents.
2. Whether the juvenile court abused its discretion by ordering the complainant's parents to produce the complainant's cell phone and passwords for an in-camera inspection.
3. Whether the juvenile court abused its discretion by ordering inspection of the Jeep.
4. Whether the State lacked an adequate remedy by appeal because the inspection order could not be undone and was not directly appealable.

HOLDINGS

1. The State had standing because the Texas Constitution authorizes the prosecuting attorney to enforce crime victims' rights, including the complainant's rights to fairness, dignity, and privacy.
2. The juvenile defendant was entitled to seek the specified text messages, data, and social-media information because the trial court found, without challenge, that the information was material, relevant, and potentially favorable if exculpatory.
3. The juvenile court abused its discretion, at that stage of the proceedings, by ordering the parents to surrender the complainant's cell phone and passwords for in-camera inspection without testimony from, or at least a conversation with, the parents concerning the least intrusive method of obtaining the information.
4. The State did not establish that the juvenile court abused its discretion by ordering a thirty-minute inspection of the Jeep at a location mutually agreed upon by the parties.
5. The State lacked an adequate remedy by appeal because the challenged order was not directly appealable under the applicable juvenile-case statute and an inspection of the phone could not be undone.

KEY QUOTATIONS

"The plain language of the statute only allows a party to apply for a subpoena that compels a witness to attend a hearing and bring with him or her an item or thing to the hearing that is explicitly mentioned." (at 8)

"An Article 24.02 subpoena in a criminal case does not allow a party to seize documents or other tangible things from a witness and dispossess said witness of the property requested." (at 8)

“As with most competing rights, courts have to strike the right balance.” (at 9)

FACTUAL BACKGROUND

The juvenile defendant sought inspection of the Jeep where the alleged sexual assault occurred and subpoenas directed the complainant's parents to produce cell-phone records, text messages, and social-media data concerning the defendant. The parents owned and possessed both the Jeep and the complainant's cell phone. The trial court ordered production of the Jeep for a thirty-minute inspection and ordered the phone and passwords to be presented for an in-camera inspection, while also prohibiting deletion or alteration of communications.

PROCEDURAL HISTORY

In the underlying juvenile case, the grand jury approved determinate sentencing on an allegation of sexual assault. After two non-evidentiary hearings, the Gillespie County juvenile court entered an order concerning inspection of a Jeep and a complainant's cell phone and denied the State's motion to quash subpoenas. The State filed an original petition for writ of mandamus and a motion to stay; the stay was granted. The court of appeals conditionally granted mandamus in part and denied it in part.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court was directed, within fifteen days of the opinion, to vacate the portion of paragraph 4 ordering the complainant's cell phone to be brought to court for in-camera inspection and to vacate all of paragraph 5 ordering production of the phone's passwords and access information. The order prohibiting deletion, modification, destruction, manipulation, or concealment of communications remained in effect. The petition was denied in all other respects.

CASES CITED

- Terrazas v. Ramirez, 829 S.W.2d 712, 723 (Tex. 1991) (orig. proceeding)
- In re State, 599 S.W.3d 577, 591-605 (Tex. App.—El Paso 2020, orig. proceeding)
- In re Ford Motor Co., 165 S.W.3d 315, 317 (Tex. 2005) (orig. proceeding) (per curiam)
- Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding)
- In re Tex. Dep't of Family & Protective Servs., 210 S.W.3d 609, 613 (Tex. 2006) (orig. proceeding)
- Saunders v. State, No. 03-19-00191-CR, 2021 WL 1031343, at *4 (Tex. App.—Austin Mar. 18, 2021, no pet.) (mem. op.)
- In re State, No. 08-19-00151-CR, 2020 WL 5105215, at *4 (Tex. App.—El Paso Aug. 31, 2020, orig. proceeding)
- Butler v. State, 459 S.W.3d 595, 601 n.3 (Tex. Crim. App. 2015)
- Riley v. California, 573 U.S. 373, 393 (2014)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-fourth-court-of-appeals-of-texas-san-antonio/2022/in-re-state-ex-rel-stein-a-wadsworth-akj1ne4h>