

TEXAS COURT OF APPEALS, FIRST DISTRICT, HOUSTON

Erick Martinez v. The State of Texas

No. 01-24-00141-CR (Tex. App.—Houston [1st Dist.] Feb. 24, 2026) (mem. op.) · No. 01-24-00141-CR ·
Decided February 24, 2026

SUMMARY

The First Court of Appeals of Texas affirmed the judgment adjudicating Erick Martinez guilty of aggravated robbery and sentencing him to 50 years’ imprisonment. The court held that the trial court did not abuse its discretion by declining to appoint a Spanish-language interpreter for the hearing on the State’s motion to adjudicate guilt, concluding that Martinez understood English sufficiently to understand the proceedings and assist in his defense. The court also rejected Martinez’s statutory interpreter argument because no motion for appointment was filed and the record did not establish that he could not understand or speak English.

CASE DETAILS

COURT	Texas Court of Appeals, First District, Houston
WRITING FOR THE COURT	Jennifer Caughey; Guerra; Caughey; Dokupil
JURISDICTION	Texas Court of Appeals for the First District
DECIDED	February 24, 2026
DOCKET	01-24-00141-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the adjudication of guilt and 50-year sentence following a contested hearing on the State's motion to adjudicate deferred-adjudication community supervision.
STANDARD OF REVIEW	Abuse of discretion; the appellate court asks whether the trial court's ruling was outside the zone of reasonable disagreement and whether the lack of interpretive services rendered the proceeding fundamentally unfair.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Erick Martinez v. The State of Texas

TOPICS

- criminal procedure
- due process
- right to counsel
- appellate procedure
- immigration

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

immigration consequences of criminal proceedings

QUESTIONS PRESENTED

1. Whether Martinez's complaint about the absence of a Spanish-language interpreter was preserved despite his failure to object in the trial court.
2. Whether the trial court abused its discretion, or violated due process and assumed Confrontation Clause protections, by conducting the adjudication hearing without appointing a Spanish-language interpreter.
3. Whether the judgment should be modified to resolve a discrepancy between the trial court's oral pronouncement and written judgment concerning the supervision violations.

HOLDINGS

1. A defendant's right to an interpreter is a category-two Marin right that cannot be forfeited by failure to object and may be raised for the first time on appeal unless knowingly and voluntarily waived.
2. Due process requires an interpreter or other communication solution when a defendant cannot understand the proceedings or communicate with counsel well enough to assist in the defense, but the trial court has wide discretion to determine whether the defendant has the constitutionally required minimum level of understanding.
3. The trial court did not abuse its discretion or violate Martinez's constitutional rights by declining to appoint a Spanish-language interpreter for the adjudication hearing.
4. The court could not modify the written judgment to conform it to the oral pronouncement because, when the discrepancy concerns which supervision conditions were violated and formed the basis for adjudication, the written order controls over the oral announcement.

KEY QUOTATIONS

“The question on appeal is not whether the ‘best’ means of interpretive services were employed, but whether the services that were actually employed were constitutionally adequate such that the defendant could understand and participate in the proceedings.” (at 7)

“Under all the circumstances, the trial court could have reasonably determined that Martinez understood English well enough to understand the proceedings and assist in his defense.” (at 15)

FACTUAL BACKGROUND

Martinez pleaded guilty to aggravated robbery in June 2022 and was placed on deferred-adjudication community supervision; an interpreter was present at that plea hearing, although the record showed that he responded to questions in English and his attorney said he spoke pretty good English. After the State moved to adjudicate guilt for alleged supervision violations, the January 2024 contested hearing proceeded without an interpreter. Martinez initially said he did not understand the court's question about waiving the reading of the motion and asked for a translation, but the court read the motion aloud and Martinez thereafter answered numerous

questions in English, communicated with counsel, and participated in the proceeding. The trial court found several violations true, adjudicated guilt, and imposed a 50-year sentence.

PROCEDURAL HISTORY

Martinez pleaded guilty to aggravated robbery, received deferred adjudication, and was placed on eight years of community supervision. The State later moved to adjudicate guilt based on alleged supervision violations. After a January 2024 evidentiary hearing at which no Spanish-language interpreter was present, the trial court found several violations true, adjudicated Martinez guilty, and sentenced him to 50 years' imprisonment. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Linton v. State, 275 S.W.3d 493 (Tex. Crim. App. 2009)
- Flores v. State, 509 S.W.2d 580 (Tex. Crim. App. 1974)
- Garcia v. State, 149 S.W.3d 135 (Tex. Crim. App. 2004)
- Hughes v. State, 691 S.W.3d 504 (Tex. Crim. App. 2024)
- Marin v. State, 851 S.W.2d 275 (Tex. Crim. App. 1993)
- Cain v. State, 947 S.W.2d 262 (Tex. Crim. App. 1997)
- Proenza v. State, 541 S.W.3d 786 (Tex. Crim. App. 2017)
- Ex parte Cockrell, 424 S.W.3d 543 (Tex. Crim. App. 2014)
- Ex parte Doan, 369 S.W.3d 205 (Tex. Crim. App. 2012)
- Balderas v. State, 517 S.W.3d 756 (Tex. Crim. App. 2016)
- Tolentino v. State, No. 01-22-00442-CR, 2025 WL 2471800 (Tex. App.—Houston [1st Dist.] Aug. 28, 2025, pet. filed)
- United States v. Henry, 852 F.3d 1204 (10th Cir. 2017)
- Willis-Webb v. State, No. 01-15-00727-CR, 2016 WL 6277423 (Tex. App.—Houston [1st Dist.] Oct. 27, 2016, pet. ref'd) (mem. op., not designated for publication)
- Jaimes v. State, 611 S.W.3d 78 (Tex. App.—Houston [14th Dist.] 2020, pet. ref'd)
- Abdygapparova v. State, 243 S.W.3d 191 (Tex. App.—San Antonio 2007, pet. ref'd)
- Ex parte Zantos-Cuebas, 429 S.W.3d 83 (Tex. App.—Houston [1st Dist.] 2014, no pet.)