

COURT OF CRIMINAL APPEALS OF TEXAS

Robvia Leneice Simpson v. The State of Texas

Simpson · No. PD-0578-18 · Decided January 15, 2020

SUMMARY

The concurring opinion addresses whether a defendant’s plea of “true” in a probation-revocation proceeding precludes the defendant from raising defenses in a subsequent criminal prosecution. The opinion agrees that collateral estoppel does not apply but concludes that the plea, when knowingly, voluntarily, and intelligently made as a judicial confession, may be used as evidence against the defendant in the later prosecution.

CASE DETAILS

COURT	Court of Criminal Appeals of Texas
WRITING FOR THE COURT	Slaughter, J.
JURISDICTION	Texas
DECIDED	January 15, 2020
DOCKET	PD-0578-18
DISPOSITION	other
PROCEDURAL POSTURE	The State petitioned for discretionary review from the judgment of the Twelfth Court of Appeals in Anderson County. The concurrence addresses the evidentiary effect in a subsequent criminal prosecution of the appellant's plea of true in an earlier probation-revocation proceeding.
PRECEDENTIAL VALUE	Published concurring opinion; the separate concurrence's additional evidentiary view is not itself a majority holding.
PARTIES	Robvia Leneice Simpson v. The State of Texas

TOPICS

criminal procedureevidencefifth amendment

PRACTICE AREAS

Texas criminal procedurecriminal evidenceconstitutional criminal procedure

QUESTIONS PRESENTED

1. Whether a defendant's plea of true in a probation-revocation proceeding precludes the defendant from raising defenses in a subsequent criminal prosecution.
2. Whether a defendant's plea of true in a probation-revocation proceeding constitutes a judicial admission or confession that may be used as evidence against the defendant in a subsequent criminal prosecution.

HOLDINGS

1. A defendant's plea of true in a probation-revocation proceeding does not preclude the defendant from raising any defense in a subsequent criminal prosecution.
2. In Judge Slaughter's view, a plea of true made knowingly, voluntarily, and intelligently in a revocation proceeding is a judicial admission or judicial confession that may be used as evidence against the defendant in a subsequent criminal prosecution.

KEY QUOTATIONS

“But a plea of “true” in a revocation proceeding is not merely the defendant’s acknowledgment that the State can prove the allegation by a preponderance of the evidence; it is the defendant’s admission in open court on the record that the allegation is, in fact, true and correct.” (2)

“Thus, no matter the burden of proof in the revocation proceeding, Appellant knowingly, voluntarily, and intelligently made a judicial confession that can be used against her in subsequent proceedings.” (3)

FACTUAL BACKGROUND

In a prior probation-revocation proceeding, Simpson pleaded true in open court to an assault allegation and other alleged offenses and probation violations. The record before the Court of Criminal Appeals did not include a transcript of that revocation hearing, but documents signed by Simpson included a stipulation of evidence and judicial confession stating that she waived specified rights and confessed to the charged offenses. Those documents were admitted in the subsequent criminal prosecution for assault, and Simpson did not challenge their admission.

PROCEDURAL HISTORY

Simpson entered a plea of true in a prior revocation proceeding to an allegation involving the assault charged in the subsequent criminal prosecution, along with other alleged offenses and probation violations. Documents reflecting her plea were admitted in the assault prosecution. The Court of Criminal Appeals issued a judgment holding that the plea of true did not preclude Simpson from raising defenses in the subsequent criminal case; Judge Slaughter concurred separately to explain that the plea could nevertheless be used as evidence of guilt.

DISPOSITION

other

CASES CITED

- Johnson v. State, 208 S.W.3d 478, 507 (Tex. App.—Austin 2006, pet. ref'd)
- Kemmerer v. State, 113 S.W.3d 513, 517-18 (Tex. App.—Houston [1st Dist.] 2003, pet. ref'd)
- Brown v. State, 617 S.W.2d 234, 236 (Tex. Crim. App. 1981)
- Taylor v. State, 474 S.W.2d 207, 211 (Tex. Crim. App. 1971)

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