

COURT OF APPEALS OF TEXAS, TENTH APPELLATE DISTRICT AT WACO

Daniel Saucedo v. The State of Texas

No. 10-25-00093-CR · No. 10-25-00093-CR · Decided May 7, 2026

SUMMARY

The Texas Tenth Court of Appeals affirmed Daniel Saucedo’s first-degree aggravated-assault conviction and forty-five-year sentence as modified. The court held that the trial court properly excluded defense exhibits depicting writings because the writings were not authenticated. It modified the bill of costs to remove a \$250 DNA fee and modified the judgment to correct the statutory offense reference and remove inaccurate language concerning a contested guilt-innocence trial.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                    |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Texas, Tenth Appellate District at Waco                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Justice Steve Smith; Chief Justice Johnson; Justice Harris                                                                                                                                                                                                                         |
| JURISDICTION          | Texas Court of Appeals, Tenth Appellate District                                                                                                                                                                                                                                   |
| DECIDED               | May 7, 2026                                                                                                                                                                                                                                                                        |
| DOCKET                | 10-25-00093-CR                                                                                                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Appeal from a judgment of conviction and punishment entered by the 54th District Court of McLennan County after Saucedo entered an open guilty plea to first-degree aggravated assault, elected jury assessment of punishment, and pleaded true to a felony enhancement paragraph. |
| STANDARD OF REVIEW    | The exclusion of evidence is reviewed for abuse of discretion.                                                                                                                                                                                                                     |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                    |
| PARTIES               | Daniel Saucedo v. The State of Texas                                                                                                                                                                                                                                               |

TOPICS

- authentication
- evidence
- appellate procedure
- criminal procedure
- standard of review

PRACTICE AREAS

- Texas criminal procedure
- evidence
- criminal appeals

## QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding Defense Exhibits 16 through 21 as unauthenticated hearsay.
2. Whether the bill of costs should be modified to delete the \$250 DNA fee.
3. Whether the judgment should be modified to state the correct statutory offense provision.
4. Whether the judgment should replace the jury's guilty verdict with "N/A" because Saucedo pleaded guilty.
5. Whether the judgment should be modified to remove language incorrectly describing a contested jury trial on guilt-innocence.

## HOLDINGS

1. The trial court did not abuse its discretion by excluding the photographs because the crime-scene technician authenticated only the photographs, not the writings depicted in them. The exhibits lacked evidence establishing who authored the writings or when they were created.
2. The bill of costs had to be modified to delete the \$250 DNA fee because the statute authorizing that fee had been repealed before the offense occurred.
3. The judgment had to be modified to replace the burglary statute citation with Texas Penal Code section 22.02(b)(1), the provision applicable to Saucedo's aggravated-assault conviction.
4. The court properly retained the word "guilty" in the jury-verdict field because the jury was instructed to and did find Saucedo guilty, notwithstanding his guilty plea.
5. The judgment had to be modified to strike language stating that the jury heard evidence and determined Saucedo's guilt or innocence because the record reflected a guilty plea rather than a contested guilt-innocence trial.

## KEY QUOTATIONS

*"To authenticate an item of evidence, the proponent must produce sufficient evidence to support a finding that the item is what the proponent claims it is."* (3)

*"We find that the trial court did not abuse its discretion in excluding Defendant's Exhibits 16 through 21 because they were not authenticated."* (4)

*"The judgment is affirmed as modified."* (6)

## FACTUAL BACKGROUND

Saucedo entered an open guilty plea to first-degree aggravated assault arising from his stabbing the mother of his children eleven times with a knife. He elected to have a jury assess punishment, and the jury assessed forty-five years in prison after he pleaded true to one felony enhancement paragraph. During cross-examination of a crime-scene technician, Saucedo offered photographs of a dry-erase board and an unsigned, undated handwritten letter found in his bedroom, asserting that the writings showed his then-existing state of mind. The technician

authenticated the photographs but did not identify the authorship or timing of the writings, and the trial court excluded the exhibits.

#### PROCEDURAL HISTORY

Saucedo was convicted in the 54th District Court of McLennan County, Texas, and sentenced by a jury to forty-five years in prison. On appeal, he challenged the exclusion of six defense exhibits and requested corrections to the bill of costs and judgment. The court overruled the evidentiary issues and one requested judgment modification, sustained the remaining modification issues, modified the bill of costs and judgment, and affirmed as modified.

#### DISPOSITION

other

#### CASES CITED

- Tillman v. State, 354 S.W.3d 425, 435 (Tex. Crim. App. 2011)
- Tienda v. State, 358 S.W.3d 633, 638 (Tex. Crim. App. 2012)