

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Joel Moore v. the State of Texas

Moore v. State · No. Nos. 01-23-00833-CR & 01-23-00834-CR · Decided November 25, 2025

SUMMARY

The First Court of Appeals of Texas affirmed Joel Moore’s convictions for aggravated robbery with a deadly weapon and evading arrest with a motor vehicle. The court held that any error in admitting victim-impact testimony concerning an extraneous murder was harmless and upheld the denial of Moore’s motion for mistrial after the prosecutor stated during punishment-phase opening remarks that Moore was in jail for murder.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Kristin Guiney; Justice Guerra; Justice Guiney; Justice Johnson
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	November 25, 2025
DOCKET	Nos. 01-23-00833-CR & 01-23-00834-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Moore appealed judgments convicting him of aggravated robbery with a deadly weapon and evading arrest with a motor vehicle. He challenged the admission of victim-impact testimony concerning an extraneous murder and the denial of his motion for mistrial based on a prosecutor's statement during punishment-phase opening argument.
STANDARD OF REVIEW	Evidentiary rulings and the denial of a motion for mistrial are reviewed for abuse of discretion. A mistrial is appropriate only in extreme circumstances involving highly prejudicial and incurable error. Nonconstitutional evidentiary error is reviewed under Texas Rule of Appellate Procedure 44.2(b) and requires reversal only if it affected the appellant's substantial rights.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Joel Moore v. The State of Texas

TOPICS

evidence

criminal procedure

appellate procedure

harmless error

preservation of error

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court reversibly erred by admitting victim-impact testimony concerning the extraneous murder of Guadalupe Rico during the punishment phase.
2. Whether the trial court abused its discretion by denying Moore's motion for mistrial after the prosecutor stated during punishment-phase opening argument that Moore was in jail for murder.

HOLDINGS

1. Assuming the trial court erred by admitting the murder victim's sister's victim-impact testimony, the error was nonconstitutional and harmless because, considering the punishment record as a whole, the testimony did not have a substantial and injurious effect or influence on the jury's punishment assessment.
2. The trial court did not abuse its discretion by denying the motion for mistrial because Moore did not request a curative instruction, failed to rebut the presumption that an instruction to disregard would have cured any harm, and the prosecutor's single statement was not shown to create incurable prejudice.

KEY QUOTATIONS

“Determining what is relevant at the punishment stage is a question of ‘what is helpful to the jury in determining the appropriate sentence for a particular defendant in a particular case.’” (6)

“Having reviewed the record as a whole, we have a fair assurance that the admission of Ibarra’s testimony either did not influence the jury or had but a slight effect.” (12)

“A mistrial is an appropriate remedy in ‘extreme circumstances’ for a narrow class of highly prejudicial and incurable errors.” (19)

“An instruction to disregard is presumed to cure the harm.” (20)

FACTUAL BACKGROUND

In the early morning of December 3, 2020, two men held Gerardo Padilla at gunpoint outside his father's home, took his AirPods, and drove away in a van. Police identified the van, but Moore and an accomplice led officers on a high-speed chase before attempting to flee on foot; Padilla later identified Moore as one of the assailants. During punishment, the State introduced evidence of three aggravated assaults, an extraneous murder of Guadalupe Rico, jail misconduct, and disciplinary infractions. The State also presented testimony from Rico's sister about Rico's character and the impact of his death on his family.

PROCEDURAL HISTORY

A jury found Moore guilty of aggravated robbery with a deadly weapon and evading arrest with a motor vehicle and assessed punishment at seventy-five years' confinement and a \$10,000 fine for aggravated robbery, and ten years' confinement and a \$10,000 fine for evading arrest. During the punishment phase, the trial court overruled an objection to testimony from the sister of a murder victim and denied Moore's motion for mistrial after the prosecutor stated that Moore was in jail for murder. The court of appeals affirmed the trial court's judgments.

DISPOSITION

affirmed

CASES CITED

- Valadez v. State, 663 S.W.3d 133, 143 (Tex. Crim. App. 2022)
- Hawkins v. State, 135 S.W.3d 72, 77, 84 (Tex. Crim. App. 2004)
- De la Paz v. State, 279 S.W.3d 336, 344 (Tex. Crim. App. 2009)
- Hayden v. State, 296 S.W.3d 549, 553 (Tex. Crim. App. 2009)
- Haley v. State, 173 S.W.3d 510, 517-18 (Tex. Crim. App. 2005)
- Love v. State, 199 S.W.3d 447, 456 (Tex. App.—Houston [1st Dist.] 2006, pet. ref'd)
- Ex parte Lane, 303 S.W.3d 702, 714 (Tex. Crim. App. 2009)
- Rogers v. State, 991 S.W.2d 263, 265 (Tex. Crim. App. 1999)
- Cantu v. State, 939 S.W.2d 627, 630-38 (Tex. Crim. App. 1997)
- Boston v. State, 965 S.W.2d 546, 548-51 (Tex. App.—Houston [14th Dist.] 1997, no pet.)
- Gonzalez v. State, 544 S.W.3d 363, 373 (Tex. Crim. App. 2018)
- Taylor v. State, 268 S.W.3d 571, 592 (Tex. Crim. App. 2008)
- Archie v. State, 221 S.W.3d 695, 699 (Tex. Crim. App. 2007)
- Young v. State, 137 S.W.3d 65, 70 (Tex. Crim. App. 2004)
- Weatherby v. State, 61 S.W.3d 733, 737 (Tex. App.—Fort Worth 2001, pet. ref'd)
- Westbrook v. State, 29 S.W.3d 103, 115 (Tex. Crim. App. 2000)
- Williams v. State, 417 S.W.3d 162, 175-76 (Tex. App.—Houston [1st Dist.] 2013, pet. ref'd)
- Dinkins v. State, 894 S.W.2d 330, 357 (Tex. Crim. App. 1995)
- Castaneda v. State, 694 S.W.3d 13, 20 (Tex. App.—Houston [14th Dist.] 2023, no pet.)
- Rodriguez v. State, No. 12-25-00033-CR, 2025 WL 2492059, at *2 (Tex. App.—Tyler Aug. 29, 2025, no pet.)
- Mosley v. State, 983 S.W.2d 249, 259 (Tex. Crim. App. 1998)
- Brown v. State, 270 S.W.3d 564, 573 (Tex. Crim. App. 2008)
- Cruz-Garcia v. State, No. AP-77,025, 2015 WL 6528727, at *22 (Tex. Crim. App. Oct. 28, 2015)