

COURT OF APPEALS, SECOND APPELLATE DISTRICT OF TEXAS AT FORT WORTH

Romie Richardson v. the State of Texas

Richardson · No. Nos. 02-24-00237-CR, 02-24-00238-CR · Decided January 30, 2026

SUMMARY

The memorandum opinion addresses Romie Richardson’s appeals from convictions for burglary of a vehicle and unlawful possession of a firearm in two Denton County criminal cases. The court rejects his ineffective-assistance-of-counsel claim, including his challenge to counsel’s failure to seek suppression of body-camera evidence. The court also modifies the bills of costs by deleting a \$55 subpoena-service fee and specifying that costs are not payable until Richardson’s release from confinement.

CASE DETAILS

COURT	Court of Appeals, Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Dabney Bassel; Bassel; Womack; Wallach
JURISDICTION	Court of Appeals, Second Appellate District of Texas at Fort Worth
DECIDED	January 30, 2026
DOCKET	Nos. 02-24-00237-CR, 02-24-00238-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Richardson appealed jury convictions for burglary of a vehicle, enhanced by prior convictions, and unlawful possession of a firearm. In a supplemental brief, he asserted ineffective assistance of trial counsel; in his original brief, he challenged court-cost assessments.
STANDARD OF REVIEW	Ineffective-assistance claims present mixed questions of law and fact. The appellate court gives almost total deference to trial-court credibility and demeanor determinations and reviews mixed questions not dependent on credibility de novo. The denial of a motion for new trial is reviewed for abuse of discretion, with deference to underlying factual determinations. Court-cost assessments are reviewed to determine whether a legal basis for the cost exists and whether the assessment is supported by the record.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked 'Do Not Publish' under Tex. R. App. P. 47.2(b).

PARTIES

Romie Richardson v. The State of Texas

TOPICS

ineffective assistance

criminal procedure

suppression of evidence

miranda rights

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate law

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether trial counsel rendered ineffective assistance by failing to file a motion to suppress portions of the officers' body-camera videos and Richardson's statements.
2. Whether counsel rendered ineffective assistance through opening-statement comments about Richardson's prior imprisonment and questioning concerning warrants.
3. Whether counsel rendered ineffective assistance by objecting untimely or ineffectively to a portion of a body-camera video.
4. Whether counsel rendered ineffective assistance by permitting or failing to object to evidence of prior convictions during the punishment phase.
5. Whether the totality of counsel's performance deprived Richardson of a fair trial.
6. Whether the \$55 subpoena-service fee was properly assessed when the subpoena returns did not comply with statutory requirements.
7. Whether the bills of cost were invalid or immediately payable despite the judgments providing that costs were due upon Richardson's release from confinement.

HOLDINGS

1. Richardson failed to establish ineffective assistance based on counsel's failure to file a motion to suppress because he did not show by a preponderance of the evidence that the motion would have been granted and that the remaining evidence would have been insufficient to support the convictions.
2. Richardson failed to show that counsel's opening-statement reference to prior imprisonment or questioning concerning warrants constituted deficient performance resulting in prejudice.
3. Counsel's untimely or procedurally defective objection to the portion of the body-camera video concerning Richardson's shirt change did not establish ineffective assistance.
4. Richardson failed to establish ineffective assistance based on counsel's handling of evidence of two prior convictions because the record did not affirmatively establish deficient performance or a reasonable probability of a more favorable punishment verdict.
5. The totality of counsel's representation did not satisfy both Strickland prongs, and the trial court did not abuse its discretion by denying Richardson's motion for new trial.

6. The \$55 subpoena-service fee was improperly assessed and had to be deleted from the bill of cost in case number F23-3731-362 because the subpoena returns did not comply with Texas Code of Criminal Procedure article 24.04.
7. The bills of cost were not invalid and did not conflict with the judgments merely because they were issued before Richardson's release from confinement; however, they were modified to state expressly that the costs were not payable until his release.

KEY QUOTATIONS

“Trial counsel’s failure to file a motion to suppress is not per se ineffective assistance of counsel.” (19)

“The fact that the evidence (excluding the shirt-change question) is sufficient to support the jury’s verdict on guilt is one that Appellant understandably avoids, but ignoring the question dooms his claim.” (23)

“Though counsels’ representation may have been imperfect, they fought hard and developed effective themes in an effort to blunt a difficult set of facts.” (41)

FACTUAL BACKGROUND

Richardson was identified as a man who entered a coach's pickup truck at a sports facility, appeared to rummage through it, and left in a black BMW. Witnesses supplied police with descriptions of the man and vehicle, and officers later encountered Richardson near the BMW. Richardson gave officers a false name and offered shifting explanations for his presence, including that he was refereeing a soccer game with a fraternity brother. After his arrest and Miranda warnings, officers searched the BMW and found firearms, ammunition, clothing, and other suspicious items. The jury also heard evidence of Richardson's extensive criminal history and assessed substantial prison terms.

PROCEDURAL HISTORY

A jury convicted Richardson of burglary of a vehicle and unlawful possession of a firearm and assessed twenty-year and twenty-five-year sentences, respectively, along with a \$10,000 fine on the burglary conviction. The trial court sentenced him according to the jury's recommendations and later denied his motion for new trial alleging ineffective assistance of counsel. The court of appeals rejected the ineffective-assistance claims, deleted a \$55 subpoena-service fee, and modified both bills of cost to state that costs were not payable until Richardson's release from confinement.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

No remand was ordered. The judgments were affirmed with modifications to the bills of cost: deletion of the \$55 subpoena-service fee in F23-3731-362 and addition of language in both cases stating that costs and fees are not payable until Richardson's release from confinement.

CASES CITED

- Lopez v. State, 343 S.W.3d 137 (Tex. Crim. App. 2011)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Hernandez v. State, 726 S.W.2d 53 (Tex. Crim. App. 1986)
- Perez v. State, 689 S.W.3d 369 (Tex. App.—Corpus Christi–Edinburg 2024, no pet.)
- Rachal v. State, 725 S.W.3d 152 (Tex. App.—Fort Worth 2025, pet. filed)
- Robertson v. State, 187 S.W.3d 475 (Tex. Crim. App. 2006)
- Menefield v. State, 363 S.W.3d 591 (Tex. Crim. App. 2012)
- Mata v. State, 226 S.W.3d 425 (Tex. Crim. App. 2007)
- Johnson v. State, 624 S.W.3d 579 (Tex. Crim. App. 2021)
- Ex parte Martinez, 330 S.W.3d 891 (Tex. Crim. App. 2011)
- Wert v. State, 383 S.W.3d 747 (Tex. App.—Houston [14th Dist.] 2012, no pet.)
- Ex parte Chandler, 182 S.W.3d 350 (Tex. Crim. App. 2006)
- Mooney v. State, 817 S.W.2d 693 (Tex. Crim. App. 1991)
- Jackson v. State, 973 S.W.2d 954 (Tex. Crim. App. 1998)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- Thompson v. Keohane, 516 U.S. 99 (1995)
- Stansbury v. California, 511 U.S. 318 (1994)
- Dowthitt v. State, 931 S.W.2d 244 (Tex. Crim. App. 1996)
- State v. Ortiz, 382 S.W.3d 367 (Tex. Crim. App. 2012)
- Berkemer v. McCarty, 468 U.S. 420 (1984)
- Gomez v. State, 552 S.W.3d 422 (Tex. App.—Fort Worth 2018, no pet.)
- Bone v. State, 77 S.W.3d 828 (Tex. Crim. App. 2002)
- Ex parte Rogers, 369 S.W.3d 858 (Tex. Crim. App. 2012)
- Flowers v. State, 220 S.W.3d 919 (Tex. Crim. App. 2007)
- Human v. State, 749 S.W.2d 832 (Tex. Crim. App. 1988)
- Johnson v. State, 423 S.W.3d 385 (Tex. Crim. App. 2014)
- London v. State, 490 S.W.3d 503 (Tex. Crim. App. 2016)

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