

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Randle Jack Goodrum Jr. v. the State of Texas

No. 02-24-00495-CR (Tex. App.—Fort Worth June 4, 2026) (mem. op.) · No. 02-24-00495-CR · Decided June 4, 2026

SUMMARY

The Texas Second Court of Appeals affirmed Randle Jack Goodrum Jr.'s conviction for driving while intoxicated with two or more prior convictions. The court held that the evidence was sufficient to establish intoxication and that Goodrum failed to preserve his complaints concerning an alleged judicial comment and expert testimony. The court sustained Goodrum's challenge to reimbursement of appointed appellate counsel fees, modified the order to remove that requirement, and affirmed the order as modified.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Bonnie Sudderth, Chief Justice; Kerr, Justice; Walker, Justice
JURISDICTION	Texas Court of Appeals, Second Appellate District at Fort Worth
DECIDED	June 4, 2026
DOCKET	02-24-00495-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Goodrum appealed his conviction for driving while intoxicated with two or more prior convictions and challenged an order requiring him to contribute to the cost of appointed appellate counsel.
STANDARD OF REVIEW	For evidentiary sufficiency, the court viewed the evidence in the light most favorable to the verdict and asked whether any rational factfinder could have found the challenged essential element beyond a reasonable doubt under the hypothetically correct jury charge. Preservation issues were reviewed under Texas Rule of Appellate Procedure 33.1. Admission of expert testimony was reviewed only to the extent preserved. Reimbursement of appointed-counsel fees was reviewed for whether supporting evidence established the defendant's financial resources and ability to pay.

PRECEDENTIAL VALUE	Unpublished, nonprecedential memorandum opinion
PARTIES	Randle Jack Goodrum Jr. v. The State of Texas

TOPICS

criminal procedure evidence appellate procedure preservation of error standard of review

PRACTICE AREAS

Texas criminal law driving while intoxicated criminal appellate procedure evidence
appointed-counsel fees

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that Goodrum was intoxicated while operating a motor vehicle.
2. Whether Goodrum preserved his complaint that testimony identifying the trial judge as the judge who signed the blood-draw warrant constituted an improper comment on the weight of the evidence.
3. Whether Goodrum preserved his challenges to the relevance, reliability, and unfair prejudice of expert testimony concerning the number of drinks required to produce his blood-alcohol concentration.
4. Whether the trial court could order Goodrum to contribute to the cost of appointed appellate counsel without supporting evidence that he had the financial ability to pay.

HOLDINGS

1. The evidence was sufficient for a rational factfinder to find beyond a reasonable doubt that Goodrum was intoxicated while operating a motor vehicle. The court may not reweigh the evidence or substitute its judgment for the jury's, and retrograde-extrapolation evidence was not required where the record contained other evidence of intoxication.
2. Goodrum forfeited his complaint that the officer's testimony constituted an improper comment on the weight of the evidence because he did not timely object to the testimony or otherwise present the complaint to the trial court.
3. The record did not establish ineffective assistance based on trial counsel's failure to object to the challenged testimony because the record was silent regarding counsel's reasons and a reasonable strategic explanation was possible.
4. A trial court may order an indigent defendant to contribute to appointed-counsel fees only after finding, based on supporting evidence, that the defendant has financial resources and the ability to pay. Because the trial court found Goodrum indigent and the record lacked supporting evidence of ability to pay, the reimbursement provision was erroneous and had to be deleted.

KEY QUOTATIONS

“The court conducting a sufficiency review must not engage in a ‘divide and conquer’ strategy but must consider the cumulative force of all the evidence.” (at 8)

“As previously noted, a trial court can order a defendant to contribute to the costs of the legal services provided by his court-appointed attorney only if it finds that he is capable of doing so based on supporting evidence.” (at 15)

FACTUAL BACKGROUND

A police sergeant stopped Goodrum after observing his vehicle speeding and responding to a report of reckless driving. The sergeant observed bloodshot and watery eyes, a strong odor of alcohol, beer cans in the vehicle, swayed balance, all six horizontal-gaze-nystagmus clues, and Goodrum's refusal or failure to complete additional field-sobriety testing. A blood test showed an alcohol concentration of 0.161 plus or minus 0.009 grams per 100 milliliters, above the legal limit. Goodrum was convicted of DWI with two or more prior convictions and sentenced to ten years' imprisonment; the trial court also ordered him to contribute to appointed appellate counsel costs despite finding him indigent.

PROCEDURAL HISTORY

Goodrum was indicted for felony DWI based on two prior DWI convictions. A jury found him guilty, and after a bench trial on punishment, the trial court sentenced him to ten years in prison. On appeal, the court overruled challenges to the sufficiency of the evidence, an alleged judicial comment on the weight of the evidence, and the admission of expert testimony, but sustained the challenge to reimbursement of appointed appellate counsel fees and modified the order accordingly.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The court modified the Amended Order Appointing Counsel for Appeal to delete the provision requiring Goodrum to contribute to his appointed appellate counsel's fees and expenses, and affirmed the order as modified. The judgment of conviction was affirmed.

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Queeman v. State, 520 S.W.3d 616, 622 (Tex. Crim. App. 2017)
- Stephenson v. State, 673 S.W.3d 370, 384 (Tex. App.—Fort Worth 2023, pet. ref'd)
- Harrell v. State, 620 S.W.3d 910, 914 (Tex. Crim. App. 2021)
- Martin v. State, 635 S.W.3d 672, 679 (Tex. Crim. App. 2021)
- Braughton v. State, 569 S.W.3d 592, 608 (Tex. Crim. App. 2018)
- Villa v. State, 514 S.W.3d 227, 232 (Tex. Crim. App. 2017)
- Hammack v. State, 622 S.W.3d 910, 914 (Tex. Crim. App. 2021)

- *Febus v. State*, 542 S.W.3d 568, 572 (Tex. Crim. App. 2018)
- *Curlee v. State*, 620 S.W.3d 767, 778 (Tex. Crim. App. 2021)
- *Rabb v. State*, 434 S.W.3d 613, 616 (Tex. Crim. App. 2014)
- *Kirsch v. State*, 306 S.W.3d 738, 743, 745-46 (Tex. Crim. App. 2010)
- *Annis v. State*, 578 S.W.2d 406, 407 (Tex. Crim. App. [Panel Op.] 1979)
- *Kuciemba v. State*, 310 S.W.3d 460, 462 (Tex. Crim. App. 2010)
- *Kinnett v. State*, 623 S.W.3d 876, 888, 897-900 (Tex. App.—Houston [1st Dist.] 2021, pet. ref'd)
- *Montelongo v. State*, 623 S.W.3d 819, 822 (Tex. Crim. App. 2021)
- *Dixon v. State*, 595 S.W.3d 216, 223 (Tex. Crim. App. 2020)
- *Davis v. State*, 177 S.W.3d 355, 363 (Tex. App.—Houston [1st Dist.] 2005, no pet.)
- *Peavey v. State*, 248 S.W.3d 455, 470 (Tex. App.—Austin 2008, pet. ref'd)
- *Strickland v. Washington*, 466 U.S. 668, 687 (1984)
- *Nava v. State*, 415 S.W.3d 289, 307 (Tex. Crim. App. 2013)
- *Thompson v. State*, 9 S.W.3d 808, 813 (Tex. Crim. App. 1999)
- *Lopez v. State*, 343 S.W.3d 137, 143 (Tex. Crim. App. 2011)
- *Armstrong v. State*, 340 S.W.3d 759, 765-66 (Tex. Crim. App. 2011)
- *Scott v. State*, No. 02-19-00283-CR, 2019 WL 6767813, at *2 (Tex. App.—Fort Worth Dec. 12, 2019, no pet.) (mem. op.)
- *Wolfe v. State*, 377 S.W.3d 141, 144 (Tex. App.—Amarillo 2012, no pet.)