

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

George Ralph Beachem v. The State of Texas

No. 05-21-00421-CR · No. No. 05-21-00421-CR · Decided November 17, 2022

SUMMARY

The Fifth District Court of Appeals at Dallas affirmed George Ralph Beachem’s conviction and twenty-two-year sentence for possessing with intent to deliver more than four but less than 200 grams of methamphetamine. The court held that the officer’s detention of Beachem was supported by reasonable suspicion under the totality of the circumstances. It also rejected Beachem’s ineffective-assistance claim concerning evidence of prior convictions, concluding that counsel’s failure to object was not shown to be deficient.

CASE DETAILS

COURT	Court of Appeals for the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Craig Smith; Justice Nowell; Justice Goldstein; Justice Smith
JURISDICTION	Texas
DECIDED	November 17, 2022
DOCKET	No. 05-21-00421-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Beachem appealed his jury conviction and twenty-two-year sentence, challenging the denial of his motion to suppress punishment-phase evidence and alleging ineffective assistance of counsel.
STANDARD OF REVIEW	A motion-to-suppress ruling is reviewed for abuse of discretion under a bifurcated standard: historical facts and credibility-dependent mixed questions receive almost total deference, while pure legal questions and non-credibility-dependent mixed questions are reviewed de novo. An ineffective-assistance claim is evaluated under the two-pronged Strickland standard.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; designated 'Do Not Publish.'
PARTIES	George Ralph Beachem v. The State of Texas

TOPICS

- suppression of evidence
- fourth amendment
- ineffective assistance
- appellate procedure

PRACTICE AREAS

criminal procedure

criminal defense

appellate practice

evidence

QUESTIONS PRESENTED

1. Whether the trial court erred in denying Beachem's motion to suppress evidence obtained after Officer Ozols asked him to exit his vehicle because the officer lacked reasonable suspicion or probable cause.
2. Whether trial counsel was ineffective for failing to object to the State's use of seven prior judgments and sentences and to six judgments allegedly deficient under Texas Code of Criminal Procedure article 42.01.

HOLDINGS

1. Even assuming Officer Ozols detained Beachem by asking him to exit the vehicle, the detention was supported by reasonable suspicion under the totality of the circumstances.
2. Beachem failed to establish ineffective assistance because he did not show that counsel's performance was deficient.

KEY QUOTATIONS

"Viewed collectively, however, they are articulable facts raising a reasonable suspicion that justified Ozols's decision to question appellant further." (7)

"Reasonable suspicion of a specific crime is not necessary to justify an investigative detention." (8)

"failure to satisfy article 42.01's requirements renders a conviction voidable, but not void." (13)

FACTUAL BACKGROUND

An Uber driver found methamphetamine, scales, and baggies in Beachem's shaving kit after he left it in her vehicle and contacted police. Police arrested him after arranging a meeting, and a forensic chemist determined the kit contained 28.3 grams of methamphetamine. During the punishment phase, the State introduced certified judgments for prior convictions and evidence of two extraneous offenses committed while Beachem was on bond. In one of those offenses, Officer Ozols encountered Beachem in a running vehicle near a Wal-Mart, observed circumstances he considered unusual, asked Beachem to exit, and then observed or found drugs and other items.

PROCEDURAL HISTORY

A jury convicted Beachem of possessing with intent to deliver more than four but less than 200 grams of methamphetamine. The trial court assessed punishment at twenty-two years' confinement. On appeal, the Fifth District Court of Appeals affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- Martinez v. State, 348 S.W.3d 919, 922-23 (Tex. Crim. App. 2011)
- Castro v. State, 227 S.W.3d 737, 741 (Tex. Crim. App. 2007)
- State v. Stevens, 235 S.W.3d 736, 740 (Tex. Crim. App. 2007)
- State v. Castleberry, 332 S.W.3d 460, 466 (Tex. Crim. App. 2011)
- Johnson v. State, 622 S.W.3d 378, 384-85 (Tex. 2021)
- State v. Kerwick, 393 S.W.3d 270, 273-74 (Tex. Crim. App. 2013)
- Derichsweiler v. State, 348 S.W.3d 906, 916-17 (Tex. Crim. App. 2011)
- Holmes v. State, No. 08-16-00150-CR, 2017 WL 5145022, at *3-6 (Tex. App.—El Paso Oct. 31, 2017, pet. ref'd) (not designated for publication)
- Lopez v. State, 343 S.W.3d 137, 142 (Tex. Crim. App. 2011)
- Strickland v. Washington, 466 U.S. 668, 686-89, 694 (1984)
- Robertson v. State, 187 S.W.3d 475, 483 (Tex. Crim. App. 2006)
- Williams v. State, 301 S.W.3d 675, 687 (Tex. Crim. App. 2009)
- Menefield v. State, 363 S.W.3d 591, 593 (Tex. Crim. App. 2012)
- Goodspeed v. State, 187 S.W.3d 390, 392 (Tex. Crim. App. 2005)
- Prine v. State, 537 S.W.3d 113, 117-18 (Tex. Crim. App. 2017)
- Tong v. State, 25 S.W.3d 707, 714 (Tex. Crim. App. 2000)
- Alridge v. State, 732 S.W.2d 395, 398 (Tex. App.—Dallas 1987, pet. ref'd)
- Jones v. State, No. 05-03-01372-CR, 2004 WL 1718659, at *4 (Tex. App.—Dallas Aug. 2, 2004, pet. stricken) (not designated for publication)
- Flowers v. State, 220 S.W.3d 919, 921-25 (Tex. Crim. App. 2007)
- Montiel v. State, No. 03-19-00405-CR, 2021 WL 2021142, at *10 (Tex. App.—Austin May 21, 2021, no pet.) (mem. op., not designated for publication)
- Jones v. State, 795 S.W.2d 199, 202 (Tex. Crim. App. 1990)
- Gaston v. State, 63 S.W.3d 893, 898-99 (Tex. App.—Dallas 2001, no pet.)

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