

COURT OF APPEALS FOR THE EIGHTH DISTRICT OF TEXAS

The State of Texas v. Arizona Rooney

No. 08-25-00153-CR · No. 08-25-00153-CR · Decided November 26, 2025

SUMMARY

The Texas Eighth Court of Appeals affirmed the trial court’s exclusion of evidence that the State produced approximately nine months after the defense requested discovery. Applying Article 39.14 of the Texas Code of Criminal Procedure and State v. Heath, the court held that exclusion was within the trial court’s discretion despite the absence of prosecutorial bad faith or demonstrable prejudice. The court concluded that the State’s failure to timely ascertain and produce discoverable evidence constituted a willful violation sufficient to support the remedy.

CASE DETAILS

COURT	Court of Appeals for the Eighth District of Texas
WRITING FOR THE COURT	Maria Salas Mendoza; Maria Salas Mendoza, Chief Justice; Palafox, Justice; Soto, Justice
JURISDICTION	Court of Appeals for the Eighth District of Texas
DECIDED	November 26, 2025
DOCKET	08-25-00153-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State brought an interlocutory appeal under Texas Code of Criminal Procedure article 44.01(a)(5) from the trial court's order excluding evidence that the State had produced late in criminal discovery. The trial court stayed the trial pending the appeal.
STANDARD OF REVIEW	The exclusion of evidence is reviewed for abuse of discretion. Factual and credibility findings supported by the record receive deference, but the application of law to facts is reviewed de novo. The ruling is affirmed if it falls within the zone of reasonable disagreement.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	The State of Texas v. Arizona Rooney

TOPICS

- discovery criminal
- appellate procedure
- remedies
- criminal procedure
- evidence

PRACTICE AREAS

Texas criminal procedure

criminal discovery

interlocutory appeals

evidence sanctions

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding evidence that the State untimely produced in violation of Texas Code of Criminal Procedure article 39.14.
2. Whether the fact that a former district attorney was responsible for the delay, and the defense possessed the records for approximately two months before trial, required the trial court to impose a lesser remedy than exclusion.

HOLDINGS

1. The trial court acted within its discretion by excluding the evidence the State produced approximately nine months after Rooney requested discovery. The exclusion order was not outside the zone of reasonable disagreement.
2. The identity of the individual prosecutor responsible for the delay does not alter the State's statutory discovery violation or require a lesser remedy.
3. The absence of demonstrated surprise or prejudice did not require the trial court to reject exclusion as a remedy.

KEY QUOTATIONS

“trial court had “inherent authority to fashion an appropriate remedy for a discovery violation” of Article 39.14.” (at 4)

“the [S]tate’s failure to ascertain the evidence it intended to introduce at trial in a timely fashion was enough of a showing of willfulness to justify the trial court’s remedy of exclusion[.]” (at 5)

FACTUAL BACKGROUND

Rooney was indicted for three related offenses, including intentionally and knowingly causing serious mental deficiency, impairment, or injury to a child. Her attorney formally requested discovery on May 9, 2024, but the State did not produce more than 800 pages of medical records and psychological evaluations until February 6, 2025, approximately nine months later. The State produced an additional 713 pages from a cell-phone extraction on April 22, 2025, shortly before trial. The trial court excluded the late-produced evidence after finding that the State violated its statutory duty to produce discovery as soon as practicable.

PROCEDURAL HISTORY

Rooney was indicted in December 2023 on three related offenses. After Rooney requested discovery in May 2024, the State produced more than 800 pages of medical and psychological records in February 2025 and 713 pages of cell-phone-extraction material on April 22, 2025. The trial court excluded the untimely produced evidence and stayed the trial so the State could appeal. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Heath, 696 S.W.3d 677 (Tex. Crim. App. 2024)
- Watkins v. State, 619 S.W.3d 265, 274-75 (Tex. Crim. App. 2021)
- Hollowell v. State, 571 S.W.2d 179, 180 (Tex. Crim. App. 1978)

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