

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Michael Alamia v. The State of Texas

No. 03-25-00235-CR · No. 03-25-00235-CR · Decided April 30, 2026

SUMMARY

The Texas Court of Appeals, Third District, affirmed Michael Alamia’s conviction for sexual assault of a child. The court held that the trial court did not abuse its discretion by giving an Allen charge after the jury expressed concern about bias and indicated difficulty reaching a verdict. The court concluded that the supplemental instruction was not coercive and overruled Alamia’s sole issue on appeal.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Rosa Lopez Theofanis; Justices Triana; Justice Kelly; Justice Theofanis
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	April 30, 2026
DOCKET	03-25-00235-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a conviction for sexual assault of a child in which the appellant challenged the trial court's use of an Allen charge over his objection.
STANDARD OF REVIEW	Abuse of discretion for the trial court's decision whether to give an Allen charge; coercion is evaluated by considering the supplemental charge in context and under all the circumstances.
PRECEDENTIAL VALUE	Published Texas Court of Appeals opinion
PARTIES	Michael Alamia v. The State of Texas

TOPICS

- allen charge
- jury instructions
- criminal procedure
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by giving an allegedly prejudicial and coercive Allen charge over Alamia's objection.
2. Whether the trial court's statement reminding jurors of their oath and instructing them not to allow their verdict to be determined by bias or prejudice rendered the supplemental charge coercive.

HOLDINGS

1. The trial court did not abuse its discretion by overruling Alamia's objection to the supplemental Allen charge because the charge, viewed in context and under all the circumstances, was noncoercive.
2. The trial court did not give a coercive instruction by telling jurors that they could not allow their verdict to be determined by bias or prejudice and then giving the Allen charge.

KEY QUOTATIONS

“But the trial court “must be careful to word it and administer it in a non-coercive manner.”” (at 2)

“The supplemental charge does not contain the type of language that courts have held to be coercive.” (at 4)

“We hold that the trial court did not abuse its discretion by overruling Alamia’s objection to the supplemental charge.” (at 7)

FACTUAL BACKGROUND

After the guilt-innocence phase, the jury began deliberating and sent notes concerning review of the evidence. Later, the jury reported that multiple jurors believed one juror was allowing the verdict to be determined by prejudice or bias and asked what recourse was available. Over the defendant's objection, the trial court gave an Allen charge stating that jurors should consider whether minority views were based on speculation or surmise, while also instructing them to decide the case only if they could conscientiously do so. The jury returned a guilty verdict the next morning, and Alamia received a seventy-five-year prison sentence.

PROCEDURAL HISTORY

After the jury expressed concern that a juror's verdict might be influenced by prejudice or bias, the trial court gave a supplemental Allen charge over Alamia's objection. The jury returned a guilty verdict, and the trial court imposed a seventy-five-year prison sentence. Alamia appealed, raising a single challenge to the supplemental charge.

DISPOSITION

affirmed

CASES CITED

- Allen v. United States, 164 U.S. 492, 501–02 (1896)
- Barnett v. State, 189 S.W.3d 272, 277 n.13 (Tex. Crim. App. 2006)

- *Mixon v. State*, 481 S.W.3d 318, 326 (Tex. App.—Amarillo 2015, pet. ref'd)
- *Howard v. State*, 941 S.W.2d 102, 123–24 (Tex. Crim. App. 1996)
- *Easley v. State*, 424 S.W.3d 535, 538 n.23 (Tex. Crim. App. 2014)
- *Lowenfield v. Phelps*, 484 U.S. 231, 237 (1988)
- *Arrevalo v. State*, 489 S.W.2d 569, 571 (Tex. Crim. App. 1973)
- *Jenkins v. United States*, 380 U.S. 445, 446 (1965) (per curiam)
- *Rosales v. State*, 548 S.W.3d 796, 804 (Tex. App.—Houston [14th Dist.] 2018, pet. ref'd)
- *West v. State*, 121 S.W.3d 95, 107–09 (Tex. App.—Fort Worth 2003, pet. ref'd)
- *Loving v. State*, 947 S.W.2d 615, 620 (Tex. App.—Austin 1997, no pet.)
- *Green v. United States*, 309 F.2d 852, 855 (5th Cir. 1962)
- *Griffith v. State*, 686 S.W.2d 331, 331–33 (Tex. App.—Houston [1st Dist.] 1985, no pet.)
- *Love v. State*, 627 S.W.2d 457 (Tex. App.—Houston [1st Dist.] 1981, no pet.)