

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

Caleb Rothlis v. The State of Texas

No. 02-25-00282-CR · No. 02-25-00282-CR · Decided May 28, 2026

SUMMARY

The Texas Court of Appeals for the Second District affirmed Caleb Rothlis’s convictions for aggravated assault with a deadly weapon, assault of a family or household member by impeding breath or circulation, and unlawful restraint. The court held that the trial court did not abuse its discretion under Texas Rule of Evidence 403 by admitting a 47-minute video of Rothlis threatening the complainant and her father under Texas Code of Criminal Procedure article 38.371. The court overruled Rothlis’s sole issue and affirmed the trial court’s judgments.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Brian Walker; Womack; Wallach; Walker
JURISDICTION	Texas Court of Appeals, Second Appellate District, Fort Worth
DECIDED	May 28, 2026
DOCKET	02-25-00282-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rothlis appealed his jury convictions and sentences, arguing that the trial court abused its discretion by admitting a forty-seven-minute video under Texas Code of Criminal Procedure article 38.371 over his Texas Rule of Evidence 403 objection.
STANDARD OF REVIEW	Abuse of discretion. The appellate court will not reverse an evidentiary ruling unless the record shows a clear abuse of discretion, meaning the ruling was so clearly wrong that it fell outside the zone in which reasonable persons might disagree.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; designated not for publication.
PARTIES	Caleb Rothlis v. The State of Texas

TOPICS

evidence

criminal procedure

appellate procedure

standard of review

preservation of error

PRACTICE AREAS

criminal law

criminal evidence

family violence

appellate litigation

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by admitting the forty-seven-minute video under Texas Code of Criminal Procedure article 38.371 when Rothlis argued that its probative value was substantially outweighed by the danger of unfair prejudice under Texas Rule of Evidence 403.

HOLDINGS

1. Article 38.371(b) permits admission of relevant facts and circumstances, including evidence concerning the nature of the relationship between the defendant and complainant, in prosecutions involving offenses against a family or household member or dating partner.
2. The trial court did not abuse its discretion in admitting the video because its high probative value was not substantially outweighed by the danger of unfair prejudice or any other Rule 403 danger.

KEY QUOTATIONS

“Thus, Article 38.371(b) expressly provides for the admission of extraneous[-]offense evidence regarding the nature of the relationship between an accused and a complainant.” (at 5)

“Rule 403 favors the admission of relevant evidence and carries a presumption that relevant evidence is more probative than prejudicial.” (at 6)

“The Texas Court of Criminal Appeals has instructed that when undertaking a Rule 403 analysis, courts must balance (1) the inherent probative force of the proffered item of evidence and (2) the proponent’s need for that evidence against (3) any tendency of the evidence to suggest a decision on an improper basis, (4) any tendency of the evidence to confuse or distract the jury from the main issues, (5) any tendency that a jury that has not been equipped to evaluate the probative force of the evidence would give it undue weight, and (6) the likelihood that presentation of the evidence will consume an inordinate amount of time or merely repeat evidence already admitted.” (at 7)

FACTUAL BACKGROUND

Rothlis and the complainant were in a romantic relationship and lived together, but their frequent arguments escalated into physical assaults, including choking, stabbing, beating, and restraint. During a drive, Rothlis used the complainant's phone to record a forty-seven-minute video in which he yelled at her and threatened to kill her and her father before killing himself. The complainant later suffered extensive bruising and three broken ribs, and Rothlis was charged and convicted of aggravated assault, assaults involving impeding breath or circulation, and unlawful restraint. The prosecution introduced the video to shed light on the abusive nature of the relationship and to support its case where the complainant was the only direct eyewitness to the charged offenses.

PROCEDURAL HISTORY

Rothlis was indicted for two counts of aggravated assault with a deadly weapon, three counts of assault on a family or household member by impeding breath or circulation, and one count of unlawful restraint. After a jury trial, he was convicted of one aggravated-assault count, two assault counts, and the unlawful-restraint count; the jury found a repeat-offender allegation true and assessed confinement terms of twenty-five years and twenty years. The trial court sentenced him accordingly, overruled his motion for new trial by operation of law, and the court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Zuliani v. State, 97 S.W.3d 589, 595 (Tex. Crim. App. 2003)
- Montgomery v. State, 810 S.W.2d 372, 379, 389 (Tex. Crim. App. 1990)
- De la Paz v. State, 279 S.W.3d 336, 344 (Tex. Crim. App. 2009)
- Qualls v. State, 547 S.W.3d 663, 675 (Tex. App.—Fort Worth 2018, pet. ref'd)
- Gaulding v. State, No. 02-21-00096-CR, 2022 WL 17986026, at *4 (Tex. App.—Fort Worth Dec. 29, 2022, pet. ref'd) (mem. op., not designated for publication)
- James v. State, 623 S.W.3d 533, 546-49 (Tex. App.—Fort Worth 2021, no pet.)
- Mourning v. State, No. 02-19-00168-CR, 2020 WL 6165309, at *4-5 (Tex. App.—Fort Worth Oct. 22, 2020, no pet.) (mem. op., not designated for publication)
- Wells v. State, 558 S.W.3d 661, 669 (Tex. App.—Fort Worth 2017, pet. ref'd)
- Martin v. State, 176 S.W.3d 887, 895 (Tex. App.—Fort Worth 2005, no pet.)
- Sanders v. State, 255 S.W.3d 754, 760 (Tex. App.—Fort Worth 2008, pet. ref'd)
- Emich v. State, No. 02-18-00059-CR, 2019 WL 311153, at *7 (Tex. App.—Fort Worth Jan. 24, 2019, no pet.) (mem. op., not designated for publication)
- Gigliobianco v. State, 210 S.W.3d 637, 641-42 (Tex. Crim. App. 2006)
- Lumsden v. State, 564 S.W.3d 858, 877 (Tex. App.—Fort Worth 2018, pet. ref'd)
- McDonnell v. State, 674 S.W.3d 694, 703 (Tex. App.—Houston [1st Dist.] 2023, no pet.)
- Pyle v. State, No. 02-24-00155-CR, 2025 WL 728111, at *6 (Tex. App.—Fort Worth Mar. 6, 2025, pet. ref'd) (mem. op., not designated for publication)
- Foster v. State, No. 02-22-00109-CR, 2023 WL 4780566, at *4-5 (Tex. App.—Fort Worth July 27, 2023, no pet.) (mem. op., not designated for publication)
- Hernandez v. State, No. 11-24-00017-CR, 2025 WL 1829560, at *6 (Tex. App.—Eastland July 3, 2025, no pet.) (mem. op., not designated for publication)
- Norwood v. State, No. 03-13-00230-CR, 2014 WL 4058820, at *5 (Tex. App.—Austin Aug. 15, 2014, pet. ref'd) (mem. op., not designated for publication)
- Thrift v. State, 176 S.W.3d 221, 224 (Tex. Crim. App. 2005)

- Landaverde v. State, No. 05-19-00175-CR, 2020 WL 2897108, at *7-8 (Tex. App.—Dallas June 3, 2020, pet. ref'd) (mem. op., not designated for publication)
- Hubbard v. State, No. 02-23-00067-CR, 2023 WL 7399135, at *4 n.8 (Tex. App.—Fort Worth Nov. 9, 2023, pet. ref'd) (mem. op., not designated for publication)
- Ibenyenwa v. State, 367 S.W.3d 420, 426 (Tex. App.—Fort Worth 2012, pet. ref'd)
- Martinez v. State, 468 S.W.3d 718 (Tex. App.—Fort Worth 2015)

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