

FOURTH COURT OF APPEALS, SAN ANTONIO, TEXAS

Tyler Andrew Montoya v. the State of Texas

Tyler Andrew Montoya v. State of Texas, No. 04-25-00017-CR · No. No. 04-25-00017-CR · Decided April 15, 2026

SUMMARY

The Fourth Court of Appeals of Texas affirmed Tyler Andrew Montoya’s convictions for aggravated sexual assault of a child and indecency with a child. The court held that Montoya was not in custody during his police interview for purposes of Miranda and Texas Code of Criminal Procedure article 38.22, and that he was not prejudiced by alleged ineffective assistance of counsel because the allegedly omitted evidence was presented to and considered by the jury.

CASE DETAILS

COURT	Fourth Court of Appeals, San Antonio, Texas
WRITING FOR THE COURT	Lori Massey Brissette, Justice; Irene Rios, Justice; Adrian A. Spears II, Justice
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	April 15, 2026
DOCKET	No. 04-25-00017-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Montoya appealed his convictions for aggravated sexual assault of a child and indecency with a child, challenging the admission of his video-recorded police interview and the denial of his motion for new trial based on ineffective assistance of counsel.
STANDARD OF REVIEW	The admission-of-statements ruling and denial of the motion for new trial were reviewed for abuse of discretion. Custody was reviewed under a mixed standard, with deference to factual findings and de novo review of the ultimate legal determination. The ineffective-assistance prejudice determination was reviewed de novo while underlying factual determinations received deference.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication.
PARTIES	Tyler Andrew Montoya v. The State of Texas

TOPICS

miranda rights

suppression of evidence

ineffective assistance

sixth amendment

appellate procedure

PRACTICE AREAS

criminal procedure

criminal defense

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether Montoya's un-Mirandized video-recorded interview was the product of custodial interrogation under Miranda and Texas Code of Criminal Procedure article 38.22.
2. Whether the trial court abused its discretion by denying Montoya's motion for new trial based on alleged ineffective assistance of counsel.

HOLDINGS

1. Montoya was not subjected to custodial interrogation because the circumstances did not show that a reasonable person would have believed his freedom of movement was restricted to the degree associated with a formal arrest; therefore, exclusion of the interview statements was not required.
2. Montoya failed to establish prejudice from counsel's alleged omissions because the allegedly exculpatory evidence was admitted and presented to the jury, yet the jury still found him guilty; the trial court therefore did not abuse its discretion in denying the motion for new trial.

KEY QUOTATIONS

“There is simply nothing in the record that suggests a reasonable person would believe they were restrained to a degree associated with an arrest.” (-5)

“But here, there is no reasonable probability that, but for counsel’s unprofessional errors, Montoya would not have been found guilty because all of this evidence was presented and emphasized to the jury, and the jury still found Montoya guilty.” (-7)

FACTUAL BACKGROUND

Montoya voluntarily went to police headquarters and participated in an approximately thirty-three-minute interview concerning allegations that he had sexually abused Doe. Before questioning, the interviewing officer told Montoya that he was there voluntarily, could end the conversation at any time, and would be escorted out with his mother if he did so. Montoya was not handcuffed or otherwise restrained and left after the interview without making an admission. At trial, evidence concerning Doe's initial denial of abuse and the later identification process was admitted and emphasized by defense counsel, but the jury nevertheless found Montoya guilty.

PROCEDURAL HISTORY

Montoya was indicted in the 399th Judicial District Court of Bexar County, Texas, and a jury found him guilty on both counts. The trial court imposed two concurrent twenty-five-year sentences and two \$1,000 fines, then denied Montoya's motion for new trial after a hearing. The Fourth Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Wexler v. State, 625 S.W.3d 162, 167-68 (Tex. Crim. App. 2021)
- Miranda v. Arizona, 384 U.S. 436, 479 (1966)
- State v. Cruz, 461 S.W.3d 531, 536-37 (Tex. Crim. App. 2015)
- Thai Ngoc Nguyen v. State, 292 S.W.3d 671, 677 n.27 (Tex. Crim. App. 2009)
- Luckenbach v. State, 722 S.W.3d 250, 263 (Tex. App.—Austin 2025, pet. ref'd)
- Dowthitt v. State, 931 S.W.2d 244 (Tex. Crim. App. 1996)
- Gardner v. State, 306 S.W.3d 274, 293 (Tex. Crim. App. 2009)
- Barnes v. State, 665 S.W.3d 192, 199 (Tex. App.—Eastland 2023, no pet.)
- Cedillos v. State, 250 S.W.3d 145, 152 (Tex. App.—Eastland 2008, no pet.)
- Humphrey v. State, 501 S.W.3d 656, 659 (Tex. App.—Houston [14th Dist.] 2016, pet. ref'd)
- Parker v. State, 462 S.W.3d 559, 562 (Tex. App.—Houston [14th Dist.] 2015, no pet.)
- Strickland v. Washington, 466 U.S. 668, 687, 689 (1984)
- Hart v. State, 667 S.W.3d 774, 781-82 (Tex. Crim. App. 2023)
- Ex parte Lane, 670 S.W.3d 662, 671 (Tex. Crim. App. 2023)
- Smith v. State, 286 S.W.3d 333, 340 (Tex. Crim. App. 2009)
- Washington v. State, 417 S.W.3d 713, 725 (Tex. App.—Houston [14th Dist.] 2013, pet. ref'd)