

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG

Ruben Trevino v. the State of Texas

Trevino · No. 13-25-00158-CR · Decided June 25, 2026

SUMMARY

The Texas Thirteenth Court of Appeals affirmed Ruben Trevino’s conviction for murder and fifty-year sentence. The court held that Trevino failed to preserve his complaint concerning a limiting instruction for extraneous-offense evidence, and it rejected his challenges to the denial of mistrials and his claimed deprivation of a fair trial.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Ysmael D. Fonseca; Justice Peña; Justice West; Justice Fonseca
JURISDICTION	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
DECIDED	June 25, 2026
DOCKET	13-25-00158-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a jury convicted Trevino of murder and assessed fifty years' confinement, he appealed, challenging the lack of an extraneous-offense limiting instruction, the denial of mistrial motions, and alleged denial of a fair trial.
STANDARD OF REVIEW	The denial of a mistrial is reviewed for abuse of discretion and will be upheld if within the zone of reasonable disagreement. Preservation issues are reviewed under Texas Rule of Appellate Procedure 33.1(a).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ruben Trevino v. The State of Texas

TOPICS

- criminal procedure
- evidence
- preservation of error
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred by failing to give a limiting instruction concerning extraneous-offense evidence in the jury charge or contemporaneously when the evidence was admitted.
2. Whether the trial court erred by denying Trevino's motions for mistrial based on references to extraneous offenses and juror complaints about trial delays.
3. Whether Trevino was deprived of a fair trial because a complaining juror remained on the jury and because the trial included a ten-day recess.

HOLDINGS

1. The trial court did not err by failing to include a limiting instruction in the jury charge because Trevino did not request a limiting instruction when the evidence was first admitted and did not object to the testimony.
2. The trial court did not abuse its discretion by denying a mistrial based on the prosecutor's references to Trevino's criminal history.
3. The trial court did not abuse its discretion by denying a mistrial based on jurors' complaints about trial delays because the remarks reflected frustration with the pace and length of trial, not bias or partiality against Trevino.
4. Trevino's fair-trial claim failed because he did not object that the juror was disabled or disqualified, and the record did not show a condition preventing the juror from fully and fairly performing juror functions.
5. Trevino failed to establish reversible error or a constitutional fair-trial violation arising from the ten-day recess because he did not object and did not show harm.

KEY QUOTATIONS

"If . . . the defendant fails to request a limiting instruction when evidence of extraneous bad acts and offenses is first admitted at trial, the evidence is admissible for all purposes, and the trial court is not obligated to include a limiting instruction in the jury charge." (6)

"A mistrial is a device used to halt trial proceedings where error is so prejudicial that expenditure of further time and expense would be wasteful and futile." (7)

"We find the trial court was well within its discretion to deny Trevino's motions for mistrial." (10)

FACTUAL BACKGROUND

Trevino was accused of fatally shooting Carlos Vasquez outside the Palace Men's Club in Corpus Christi on August 4, 2021. Surveillance video showed Trevino approach Vasquez and fire at least three shots from approximately fifteen feet away; Vasquez, who did not appear armed, was struck in the chest and died. Trevino relied principally on self-defense and presented evidence of prior hostilities, including an earlier shooting involving Vasquez and threats against Trevino. During cross-examination of Trevino's wife, the prosecutor

elicited references to Trevino's criminal history, and jurors later complained about trial delays and the expected length of the proceedings.

PROCEDURAL HISTORY

A Nueces County jury convicted Trevino of murder, a first-degree felony, and assessed punishment at fifty years' confinement. The Thirteenth District Court of Appeals affirmed the judgment, holding that Trevino failed to preserve his limiting-instruction and fair-trial complaints and that the trial court acted within its discretion in denying the mistrial motions.

DISPOSITION

affirmed

CASES CITED

- Ex parte Varelas, 45 S.W.3d 627, 631 (Tex. Crim. App. 2001)
- Delgado v. State, 235 S.W.3d 244, 251 (Tex. Crim. App. 2007)
- Hammock v. State, 46 S.W.3d 889, 894 (Tex. Crim. App. 2001)
- Yepez v. State, 696 S.W.3d 1, 6 (Tex. App.—Houston [1st Dist.] 2022, no pet.)
- Pugh v. State, 639 S.W.3d 72, 98 (Tex. Crim. App. 2022)
- Jones v. State, 944 S.W.2d 642, 654 (Tex. Crim. App. 1996)
- Guerrero v. State, 528 S.W.3d 796, 801 (Tex. App.—Houston [14th Dist.] 2017, no pet.)
- Ocon v. State, 284 S.W.3d 880, 883-85 (Tex. Crim. App. 2009)
- Becerra v. State, 685 S.W.3d 120, 139 (Tex. Crim. App. 2024)
- Simpson v. State, 119 S.W.3d 262, 272 (Tex. Crim. App. 2003)
- Pantaleon v. State, 699 S.W.3d 641, 650 (Tex. App.—Corpus Christi–Edinburg 2024, pet. ref'd)
- Archie v. State, 340 S.W.3d 734, 738-39 (Tex. Crim. App. 2011)
- Coble v. State, 330 S.W.3d 253, 292 (Tex. Crim. App. 2010)
- Leday v. State, 983 S.W.2d 713, 718 (Tex. Crim. App. 1998)
- Young v. State, 137 S.W.3d 65, 69 (Tex. Crim. App. 2004)
- Granados v. State, 85 S.W.3d 217, 235 (Tex. Crim. App. 2002)
- Freeman v. State, 838 S.W.2d 772, 774 (Tex. App.—Corpus Christi–Edinburg 1992, pet. ref'd)
- Reyes v. State, 30 S.W.3d 409, 411 (Tex. Crim. App. 2000)
- Landrum v. State, 788 S.W.2d 577, 579 (Tex. Crim. App. 1990)
- Hoppes v. State, 725 S.W.2d 532, 534 (Tex. App.—Houston [1st Dist.] 1986, no pet.)