

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

Quentin Washington v. The State of Texas

Washington · No. 02-13-00526-CR · Decided May 6, 2015

SUMMARY

This document is Quentin Washington’s petition for discretionary review to the Texas Court of Criminal Appeals challenging the affirmance of his convictions for five counts of aggravated sexual assault. It contests the admission of cell-phone extraction reports and chlamydia urinalysis results, arguing that the State failed to establish evidentiary reliability, proper chain of custody, and sufficient authentication. The document also includes the Second Court of Appeals memorandum opinion affirming the trial court’s judgment.

CASE DETAILS

COURT	Court of Appeals for the Second District of Texas at Fort Worth
WRITING FOR THE COURT	Terrie Livingston; Terrie Livingston, C.J.; Dauphinot; Gardner
JURISDICTION	Texas
DECIDED	May 6, 2015
DOCKET	02-13-00526-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for five counts of aggravated sexual assault. The appellant challenged the admission of cell-phone extraction printouts and chlamydia-test results.
STANDARD OF REVIEW	The admission of evidence over a defendant's objection is reviewed for abuse of discretion. A ruling is an abuse of discretion when it is so clearly wrong as to lie outside the zone of reasonable disagreement.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication under Tex. R. App. P. 47.2(b).
PARTIES	Quentin Washington v. The State of Texas

TOPICS

- evidence
- expert testimony
- authentication
- appellate procedure
- criminal procedure

PRACTICE AREAS

criminal law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by admitting printouts from UFED Cellebrite extractions of cell phones without additional proof concerning the device's scientific reliability, maintenance, operation, or the operators' qualifications.
2. Whether the trial court abused its discretion by admitting chlamydia-test results when the State did not establish every intermediate link in the urine sample's chain of custody.

HOLDINGS

1. The trial court did not abuse its discretion by admitting the cell-phone extraction reports because the officers' testimony, together with the mother's and Rita's testimony, empirically showed that the extractions accurately copied and displayed text-message exchanges from their phones.
2. The trial court did not abuse its discretion by admitting the chlamydia-test results because the evidence established the beginning and end of the urine sample's chain of custody and contained no affirmative evidence of tampering or alteration.

KEY QUOTATIONS

“Applying the controlling principle of reliability to the particular circumstances of this case, we cannot hold that the trial court abused its discretion by admitting the cell-phone extraction reports because the combination of the officers' testimony with Mother's and Rita's uncontroverted testimony empirically showed that the extractions accurately copied and displayed text-message exchanges from Mother's and Rita's phones.” (at 10)

“Because we conclude that the evidence sufficiently establishes the beginning and end of the chain of custody of appellant's urine sample and that there is no affirmative evidence of tampering or alteration, we hold that the trial court did not abuse its discretion by admitting results of the urinalysis.” (at 14-15)

FACTUAL BACKGROUND

Washington was convicted of sexually assaulting thirteen-year-old Rita, who lived with Washington and her mother. The State introduced text-message exchanges between Washington and Rita and between Washington and Rita's mother; the messages were obtained through UFED Cellebrite cell-phone extractions and corroborated by the witnesses. The State also introduced laboratory results showing that a urine sample attributed to Washington tested positive for chlamydia, supported by testimony from the collecting detective, a medical assistant, and a LabCorp employee.

PROCEDURAL HISTORY

A jury convicted Washington on five counts of aggravated sexual assault, and the trial court assessed concurrent forty-year sentences. The Second District Court of Appeals reviewed the trial court's evidentiary rulings for abuse of discretion and affirmed the judgment after overruling both points of error.

DISPOSITION

affirmed

CASES CITED

- Daggett v. State, 187 S.W.3d 444, 446 n.3 (Tex. Crim. App. 2006)
- McClendon v. State, 643 S.W.2d 936, 936 n.1 (Tex. Crim. App. [Panel Op.] 1982)
- Sanders v. State, 422 S.W.3d 809, 812-13 (Tex. App.—Fort Worth 2014, pet. ref'd)
- Kelly v. State, Kelly v. State, 824 S.W.2d 568, 573-74 (Tex. Crim. App. 1992)
- Harrell v. State, 725 S.W.2d 208, 209-13 (Tex. Crim. App. 1986)
- Hernandez v. State, 116 S.W.3d 26, 27-31 (Tex. Crim. App. 2003)
- Krause v. State, 243 S.W.3d 95, 108-10 (Tex. App.—Houston [1st Dist.] 2007, pet. ref'd)
- Williford v. State, 127 S.W.3d 309, 312 (Tex. App.—Eastland 2004, pet. ref'd)
- Layton v. State, 280 S.W.3d 235, 241 (Tex. Crim. App. 2009)
- Somers v. State, 368 S.W.3d 528, 535 (Tex. Crim. App. 2012)
- Coleman v. State, 440 S.W.3d 218, 226 (Tex. App.—Houston [14th Dist.] 2013, no pet.)
- United States v. Marsh, 568 Fed. Appx. 15, 16-17 (2d Cir.), cert. denied, 135 S. Ct. 111 (2014)
- Vela v. State, 209 S.W.3d 128, 134 (Tex. Crim. App. 2006)
- Druery v. State, 225 S.W.3d 491, 503-04 (Tex. Crim. App.), cert. denied, 552 U.S. 1028 (2007)
- Patel v. State, No. 02-08-00032-CR, 2009 WL 1425219, at *2-3 (Tex. App.—Fort Worth May 21, 2009, no pet.)
- McGregor v. State, 394 S.W.3d 90, 125 (Tex. App.—Houston [1st Dist.] 2012, pet. ref'd)
- Rodriguez v. State, 1 S.W.3d 744, 746-48 (Tex. App.—Houston [14th Dist.] 1999, no pet.)
- Dossett v. State, 216 S.W.3d 7, 17 (Tex. App.—San Antonio 2006, pet. ref'd)