

ELEVENTH COURT OF APPEALS OF TEXAS

Ernest Villa Marquez v. the State of Texas

No. 11-24-00285-CR · No. No. 11-24-00285-CR · Decided March 19, 2026

SUMMARY

The Eleventh Court of Appeals of Texas affirmed Ernest Villa Marquez’s conviction for felony driving while intoxicated and his thirty-seven-year sentence. The court held that the evidence was legally sufficient to prove that Marquez operated a motor vehicle while intoxicated, despite no law enforcement officer observing him drive.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Eleventh Court of Appeals of Texas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | W. Stacy Trotter, Justice; Bailey, Chief Justice; Williams, Justice                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | Eleventh Court of Appeals of Texas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | March 19, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| DOCKET                | No. 11-24-00285-CR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Appeal from a jury conviction for felony driving while intoxicated and a thirty-seven-year prison sentence enhanced by a habitual felony offender finding; appellant challenged the legal sufficiency of the evidence.                                                                                                                                                                                                                                                                                                                                                         |
| STANDARD OF REVIEW    | Under Jackson v. Virginia, the court reviews all admitted evidence in the light most favorable to the verdict to determine whether any rational juror could have found the essential elements of the offense beyond a reasonable doubt. Direct and circumstantial evidence are treated equally, conflicting inferences are presumed resolved in favor of the prosecution, and the court defers to the factfinder's determinations regarding credibility and weight. Sufficiency is measured against the essential elements as set out in a hypothetically correct jury charge. |
| PRECEDENTIAL VALUE    | Unpublished memorandum opinion; not designated for publication under Texas Rule of Appellate Procedure 47.2(b).                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| PARTIES               | Ernest Villa Marquez v. The State of Texas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## TOPICS

criminal procedure evidence standard of review appellate procedure

## PRACTICE AREAS

criminal law DWI appellate criminal procedure sufficiency of the evidence

## QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to prove that Appellant operated a motor vehicle while intoxicated.
2. Whether the absence of a law-enforcement eyewitness to Appellant's driving and Garcia's asserted credibility problems rendered the evidence insufficient.

## HOLDINGS

1. The evidence was legally sufficient to establish that Appellant operated the pickup while intoxicated. Operation may be shown by the totality of the circumstances and does not require eyewitness testimony that the defendant drove the vehicle while intoxicated.
2. The evidence was more than sufficient to prove that Appellant was intoxicated while operating the pickup.

## KEY QUOTATIONS

*“the totality of the circumstances must demonstrate that the defendant took action to affect the functioning of his vehicle in a manner that would enable the vehicle’s use.”* (6)

*“while driving does involve operation, operation does not necessarily involve driving.”* (7)

*“Having reviewed the evidence in the light most favorable to the jury’s verdict, we conclude that the record before us contains sufficient evidence from which a rational trier of fact could have logically inferred and found beyond a reasonable doubt that Appellant operated a motor vehicle while intoxicated as charged in the indictment.”* (9)

## FACTUAL BACKGROUND

Jose Garcia observed Appellant driving a black pickup recklessly and later identified Appellant as the sole occupant and driver. When Detective Reyes located the pickup near Appellant's home, Appellant was sitting in the driver's seat with the engine running; Appellant then exited, evaded police, and was found hiding nearby. Officers observed multiple signs of intoxication, including a strong odor of alcohol, glassy and bloodshot eyes, unsteady balance, slurred speech, and difficulty performing field sobriety tests.

## PROCEDURAL HISTORY

A jury convicted Appellant of third-degree-felony DWI. After a habitual felony offender finding, the jury assessed punishment at thirty-seven years' imprisonment, and the trial court sentenced Appellant accordingly.

The Eleventh Court of Appeals overruled Appellant's sole sufficiency issue and affirmed the trial court's judgment.

## DISPOSITION

affirmed

## CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319, 326 (1979)
- Brooks v. State, 323 S.W.3d 893, 899, 912 (Tex. Crim. App. 2010)
- Polk v. State, 337 S.W.3d 286, 288–89 (Tex. App.—Eastland 2010, pet. ref'd)
- Baltimore v. State, 689 S.W.3d 331, 341 (Tex. Crim. App. 2024)
- Garcia v. State, 667 S.W.3d 756, 761–62 (Tex. Crim. App. 2023)
- Edward v. State, 635 S.W.3d 649, 655 (Tex. Crim. App. 2021)
- Wise v. State, 364 S.W.3d 900, 903 (Tex. Crim. App. 2012)
- Isassi v. State, 330 S.W.3d 633, 638 (Tex. Crim. App. 2010)
- Dewberry v. State, 4 S.W.3d 735, 740 (Tex. Crim. App. 1999)
- Winfrey v. State, 393 S.W.3d 763, 767–68 (Tex. Crim. App. 2013)
- Carrizales v. State, 414 S.W.3d 737, 742 (Tex. Crim. App. 2013)
- Hooper v. State, 214 S.W.3d 9, 13 (Tex. Crim. App. 2007)
- Murray v. State, 457 S.W.3d 446, 448 (Tex. Crim. App. 2015)
- Villa v. State, 514 S.W.3d 227, 232 (Tex. Crim. App. 2017)
- Turley v. State, 691 S.W.3d 612, 617 (Tex. Crim. App. 2024)
- Malik v. State, 953 S.W.2d 234, 240 (Tex. Crim. App. 1997)
- State v. Espinosa, 666 S.W.3d 659, 667 (Tex. Crim. App. 2023)
- Maciel v. State, 631 S.W.3d 720, 724 (Tex. Crim. App. 2021)
- Denton v. State, 911 S.W.2d 388, 389–90 (Tex. Crim. App. 1995)
- Kirsch v. State, 357 S.W.3d 645, 652 (Tex. Crim. App. 2012)
- Priego v. State, 457 S.W.3d 565, 569 (Tex. App.—Texarkana 2015, pet. ref'd)
- Smith v. State, 401 S.W.3d 915, 919 (Tex. App.—Texarkana 2013, pet. ref'd)
- White v. State, 412 S.W.3d 125, 128–29 (Tex. App.—Eastland 2013, no pet.)
- Kinnett v. State, 623 S.W.3d 876, 898 (Tex. App.—Houston [1st Dist.] 2020, pet. ref'd)
- Villareal v. State, No. 11-23-00218-CR, 2025 WL 994023, at \*3–5 (Tex. App.—Eastland Apr. 3, 2025, no pet.)
- Gameros v. State, No. 11-19-00395-CR, 2021 WL 4998897, at \*6 (Tex. App.—Eastland Oct. 28, 2021, no pet.)
- Emerson v. State, 880 S.W.2d 759, 763 (Tex. Crim. App. 1994)
- Annis v. State, 578 S.W.2d 406, 407 (Tex. Crim. App. [Panel Op.] 1979)

- Daniel v. State, 547 S.W.3d 230, 243–44 (Tex. App.—Eastland 2017, no pet.)
- Kiffe v. State, 361 S.W.3d 104, 108 (Tex. App.—Houston [1st Dist.] 2011, pet. ref'd)
- Henderson v. State, 29 S.W.3d 616, 622 (Tex. App.—Houston [1st Dist.] 2000, pet. ref'd)
- Cotton v. State, 686 S.W.2d 140, 142–43 & 142 n.3 (Tex. Crim. App. 1985)
- Nelson v. State, 504 S.W.3d 410, 413 (Tex. App.—Eastland 2016, pet. ref'd)
- State v. Ross, 32 S.W.3d 853, 855 (Tex. Crim. App. 2000)
- Adleman v. State, 828 S.W.2d 418, 421 (Tex. Crim. App. 1992)
- Reyes v. State, 465 S.W.3d 801, 805 (Tex. App.—Eastland 2015, pet. ref'd)
- Sharpe v. State, 707 S.W.2d 611, 614 (Tex. Crim. App. 1986)

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