

COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT AT AMARILLO

Lewis Young v. The State of Texas

No. 07-23-00003-CR (Tex. App.—Amarillo Oct. 24, 2023) (mem. op.) · No. 07-23-00003-CR · Decided October 24, 2023

SUMMARY

The Texas Court of Appeals for the Seventh District affirmed Lewis Young’s conviction for manslaughter and life sentence. The court rejected challenges concerning competency, denial of a continuance, failure to conduct an informal competency inquiry, and alleged juror misconduct. The court held that the competency issues were not sufficiently raised, the continuance issue was not preserved, and the evidence did not establish disqualifying juror misconduct or improper outside influence.

CASE DETAILS

COURT	Court of Appeals of Texas, Seventh District at Amarillo
WRITING FOR THE COURT	Alex Yarbrough; Quinn, C.J.; Parker, J.; Yarbrough, J.
JURISDICTION	Texas
DECIDED	October 24, 2023
DOCKET	07-23-00003-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a jury conviction for manslaughter and a life-imprisonment sentence. The appellant challenged the denial of motions concerning competency and continuance and the denial of a motion for new trial based on alleged juror misconduct.
STANDARD OF REVIEW	Denial of a mistrial, failure to pursue a formal competency finding, denial of a continuance, and denial of a motion for new trial are reviewed for abuse of discretion. The appellate court views evidence concerning the competency ruling and juror misconduct in the light most favorable to the trial court's ruling and defers to the trial court's factual and credibility determinations. A continuance requires a showing of specific prejudice, and the appellant bears the burden of proving juror misconduct.
PRECEDENTIAL VALUE	Unpublished and not designated for publication; nonprecedential.
PARTIES	Lewis Young v. The State of Texas

TOPICS

criminal procedure

appellate procedure

preservation of error

evidence

standard of review

PRACTICE AREAS

criminal law

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evidence

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying a mistrial and failing to conduct an informal competency inquiry after defense counsel suggested that Young might be incompetent.
2. Whether the trial court abused its discretion by denying a continuance sought to allow further evaluation of Young's competency and ability to participate in his defense.
3. Whether the trial court abused its discretion by denying a new trial based on the jury foreperson's mental-health issues and communications with her therapist during trial.

HOLDINGS

1. The trial court did not abuse its discretion by declining to conduct an additional informal competency inquiry because the record contained no evidence supporting a finding that Young might be incompetent to stand trial, and the trial court's requested medical evaluation was more than the statute's de minimis inquiry absent contrary record evidence.
2. The denial of a mistrial was proper because the record did not establish that Young's competency had been sufficiently placed in issue or that the trial court was required to conduct an informal inquiry.
3. The continuance complaint was not preserved because Young's counsel made only an oral motion and did not file a written and sworn motion as required.
4. The trial court properly denied a new trial because the foreperson was qualified to serve, there was no evidence that her anxiety prevented her from understanding or performing her juror duties, and there was no evidence that the therapist influenced her decisions or otherwise communicated with her about the case.

KEY QUOTATIONS

"Once the issue of a defendant's competency to stand trial has been sufficiently raised, the trial judge should determine by "informal inquiry" whether there is "some evidence from any source that would support a finding that the defendant may be incompetent to stand trial." (5)

"Absent evidence in the record to the contrary, the evaluation requested by the trial court is more than the de minimis informal inquiry required by statute." (6)

"To preserve error regarding the denial of a motion for a continuance, the motion must be in writing and sworn." (7)

"There must be evidence the juror was influenced by an outside source before a mistrial or new trial may be warranted." (9)

FACTUAL BACKGROUND

During the first day of trial, Young urinated on himself after reporting a bathroom emergency. Defense counsel stated that Young had good and bad days cognitively and that the day was especially bad, then orally moved for a mistrial, continuance, and competency inquiry. The trial court requested that jail medical personnel evaluate Young, received a report that everything was okay, and continued the trial. After the jury convicted Young, the foreperson testified that she had severe anxiety, had met with a therapist, and had received text messages from the therapist during trial, but she denied discussing the case or being influenced by the therapist.

PROCEDURAL HISTORY

Young pleaded not guilty and was convicted by a jury of manslaughter in the 137th District Court of Lubbock County, which assessed punishment at life imprisonment. During trial, defense counsel orally moved for a mistrial, a continuance, and an inquiry into Young's competency; the trial court denied the motions and later relied on a jail medical report indicating that Young was okay. After conviction, Young moved for a new trial based on the jury foreperson's anxiety, mental-health treatment, and communications with her therapist. The trial court held a hearing and denied the motion, and Young appealed.

DISPOSITION

affirmed

CASES CITED

- Ocon v. State, 284 S.W.3d 880 (Tex. Crim. App. 2009)
- Mason v. State, No. 07-14-00345-CR, 2015 Tex. App. LEXIS 12515 (Tex. App.—Amarillo Dec. 9, 2015, pet. ref'd)
- Moore v. State, 999 S.W.2d 385 (Tex. Crim. App. 1999)
- Luna v. State, 268 S.W.3d 594 (Tex. Crim. App. 2008)
- Aceituno-Urbina v. State, No. 07-22-00205-CR, 2023 Tex. App. LEXIS 4262 (Tex. App.—Amarillo June 16, 2023, pet. filed)
- Henley v. State, 493 S.W.3d 77 (Tex. Crim. App. 2016)
- Renteria v. State, 206 S.W.3d 689 (Tex. Crim. App. 2006)
- Najjar v. State, 618 S.W.3d 366 (Tex. Crim. App. 2021)
- McQuarrie v. State, 380 S.W.3d 145 (Tex. Crim. App. 2012)
- Hughes v. State, 24 S.W.3d 833 (Tex. Crim. App. 2000)
- Crain v. State, 315 S.W.3d 43 (Tex. Crim. App. 2010)
- Boyett v. State, 545 S.W.3d 556 (Tex. Crim. App. 2018)
- Turner v. State, 422 S.W.3d 676 (Tex. Crim. App. 2013)
- Dewberry v. State, 4 S.W.3d 735 (Tex. Crim. App. 1999)
- Matamoros v. State, 901 S.W.2d 470 (Tex. Crim. App. 1995)
- Sparks v. State, No. AP-76,099, 2010 Tex. Crim. App. Unpub. LEXIS 629 (Tex. Crim. App. Oct. 20, 2010)

- *Quinn v. State*, 958 S.W.2d 395 (Tex. Crim. App. 1997)
- *Looney v. State*, No. 07-22-00299-CR, 2023 Tex. App. LEXIS 7265 (Tex. App.—Amarillo Sept. 19, 2023, no pet. h.)

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