

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

Gerardo Solis III v. The State of Texas

Solis · No. 13-24-00483-CR; 13-24-00484-CR · Decided February 19, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas held that the record contained some evidence that Gerardo Solis III may have been incompetent to proceed in revocation proceedings. The trial court improperly weighed evidence suggesting competency against evidence suggesting incompetency and therefore abused its discretion by failing to order a formal competency examination. The court abated the appeals and remanded for a determination of whether a retrospective competency proceeding was feasible.

CASE DETAILS

COURT	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Per curiam; Chief Justice Tijerina; Justice West; Justice Cron
JURISDICTION	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
DECIDED	February 19, 2026
DOCKET	13-24-00483-CR; 13-24-00484-CR
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from the revocation of community supervision in two criminal causes; the court abated the appeals and remanded for a retrospective competency determination.
STANDARD OF REVIEW	Abuse of discretion. The appellate court gives great deference to the trial court's assessment of a defendant's ability to understand the proceedings and assist counsel.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Gerardo Solis III v. The State of Texas

TOPICS

- criminal procedure
- due process
- appellate procedure
- standard of review
- remedies

PRACTICE AREAS

criminal procedure

appellate procedure

competency to stand trial

community-supervision revocation

constitutional due process

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by failing to order a psychological competency examination after the record contained some evidence that Solis may have been incompetent to proceed at the community-supervision revocation hearing.
2. Whether the appeals should be abated and remanded for a retrospective competency determination.

HOLDINGS

1. The record contained some evidence that Solis may have been incompetent to stand trial or proceed at the revocation hearing because he may have lacked a rational ability to consult with counsel or understand the proceedings.
2. The trial court abused its discretion by weighing evidence suggesting competency against evidence suggesting incompetency during the informal inquiry.
3. The proper remedy was to abate the appeals and remand the cases for the trial court to determine whether a retrospective competency examination and trial were feasible.

KEY QUOTATIONS

“A person is incompetent to stand trial if the person does not have: (1) sufficient present ability to consult with the person’s lawyer with a reasonable degree of rational understanding; or (2) a rational as well as factual understanding of the proceedings against the person.” (at 7)

“At the informal inquiry, there must be ‘some evidence from any source that would support a finding that the defendant may be incompetent to stand trial.’” (at 8)

“During the informal inquiry, the “trial court must consider only evidence of incompetency, and it must not weigh evidence of competency against the evidence of incompetency.”” (at 8)

“Here, the trial court “improperly considered evidence of appellant’s competency rather than considering only evidence of [his] incompetency.”” (at 11)

FACTUAL BACKGROUND

Solis pleaded guilty to tampering with or fabricating physical evidence and burglary of a building, and the trial court placed him on community supervision. The State later moved to revoke supervision based on alleged reporting, payment, and mental-health-program violations. At the revocation hearing, defense counsel stated that Solis did not understand or clearly answer questions and could not assist with his defense; Solis gave conflicting and incoherent answers about the charges. His grandmother testified that he did not understand questions, behaved as though he were mentally impaired, and that drug use contributed to his condition.

PROCEDURAL HISTORY

Solis pleaded guilty pursuant to plea bargains to tampering with or fabricating physical evidence and burglary of a building. The trial court suspended his sentences and later revoked his community supervision after finding the State's allegations true. During the revocation hearing, counsel raised competency concerns, but the trial court continued the hearing without ordering a psychological competency examination. Solis appealed the revocations.

DISPOSITION

other

REMAND INSTRUCTIONS

The trial court must, within thirty days, determine whether a retrospective competency examination and trial are presently feasible. If feasible, it must conduct a retrospective competency trial in accordance with Chapter 46B of the Texas Code of Criminal Procedure. If not feasible, it must return the record to the Court of Appeals. In either event, the trial court must prepare written findings within thirty days after the feasibility determination and any resulting proceeding. The district clerk must file a supplemental clerk's record, and the court reporter must file a supplemental reporter's record containing proceedings from any retrospective competency trial.

CASES CITED

- Montoya v. State, 291 S.W.3d 420, 425-26 (Tex. Crim. App. 2009)
- Turner v. State, 422 S.W.3d 676, 692 & n.31 (Tex. Crim. App. 2013)
- Lewis v. State, 532 S.W.3d 423, 432 (Tex. App.—Houston [14th Dist.] 2016, pet. ref'd)
- McDaniel v. State, 98 S.W.3d 704, 713 (Tex. Crim. App. 2003)
- Boyett v. State, 545 S.W.3d 556, 563-66 (Tex. Crim. App. 2018)
- Alvarez v. State, No. 13-20-00308-CR, 2021 WL 4313115, at *3 (Tex. App.—Corpus Christi–Edinburg Sept. 23, 2021, pet. ref'd) (mem. op., not designated for publication)
- George v. State, 446 S.W.3d 490, 501 (Tex. App.—Houston [1st Dist.] 2014, pet. ref'd)
- Teal v. State, No. 01-10-00506-CR, 2011 WL 6140676, at *2 (Tex. App.—Houston [1st Dist.] Dec. 8, 2011, pet. ref'd) (mem. op., not designated for publication)
- Bautista v. State, 605 S.W.3d 520, 530 (Tex. App.—Houston [14th Dist.] 2020, no pet.)
- Jackson v. State, 391 S.W.3d 139, 142 (Tex. App.—Texarkana 2012, no pet.)
- Clark v. State, 592 S.W.3d 919, 926 (Tex. App.—Texarkana 2019, pet. ref'd)
- Ex parte LaHood, 401 S.W.3d 45, 52-53 (Tex. Crim. App. 2013)
- Williams v. State, No. 05-24-00750-CR, 2025 WL 2456129, at *6 (Tex. App.—Dallas Aug. 26, 2025, no pet.) (mem. op., not designated for publication)
- Owens v. State, 473 S.W.3d 812, 816 (Tex. Crim. App. 2015)

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