



Court of Criminal Appeals Case Law Update

nichole.reedy@txcourts.gov

By "All Time" I mean
September - May 2018
By "Cases" I mean
CCA Cases
By "Greatest" I mean
Published Cases I picked
And by "10" I mean
OF ALL TIME
At least 15

"10"

- Kelvin O'Brien and three others planned jewelry heist
 - Stole four million in gold
 - Melted gold and sold it
- Engaging in Organized Criminal Activity by commission
 - Theft
 - Money laundering
- Jury charge treated predicate offenses as manner and means

O'Brien v. State,
May 2, 2018

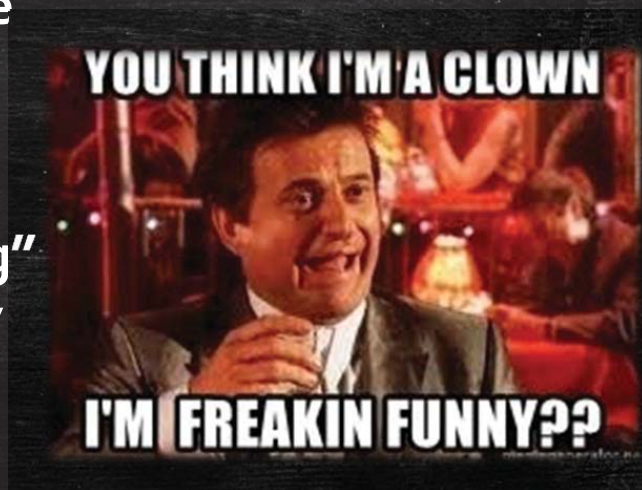


O'Brien v. State,
May 2, 2018

Does the jury have to be unanimous
about predicate offenses?

- CCA says no – 5 to 4
- Two – step analysis
 - What is gravamen of offense?
 - Lack of unanimity violate due process?
- Gravamen is circumstance of conduct
 - “one or more of the following”
- Predicate offenses are “morally and conceptually equivalent”

O'Brien v. State,
May 2, 2018



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Significant Decisions of the Texas Court of Criminal Appeals

Also available as part of the eCourse

[2018 Robert O. Dawson eConference on Criminal Appeals](#)

First appeared as part of the conference materials for the 2018 Robert O. Dawson Conference on Criminal Appeals session "Significant Decisions of the Texas Court of Criminal Appeals"