















# U.S. Supreme Court & Court of Criminal Appeals Update

May 12, 2023 to May 1, 2024

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|---|---|---|---|---|---|--|---|---|
|  |  |  |  |  |  |  |  |  |
| Slaughter   | Keel  | Yeary   | Hervey  | Keller  | Richardson  | Newell   | Walker  | McClure   |

Authoring Majority

-  Joining Majority opinion
-  Concurring with opinion
-  Concurring without opinion
-  Dissenting with opinion
-  Dissenting without opinion

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# There's a Paper

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**2. Second Amendment / Tx Const. Art. I, § 23**

- *State v. Wilson*, 2024 WL 695769 (2/21/24) (Slaughter, J., dissenting to the refusal to grant PDR) (ACW for storing a holstered handgun in the rear pocket of the driver's side door while committing DWI violates the right to possess a handgun under Texas Constitution)

**3. Sixth Amendment & Related Rights**

**3.1 Right to Self-Representation**

- *Huggins v. State*, 674 S.W.3d 539 (9/6/23) (fewer admonishments on the dangers and disadvantages of self-representation were warranted where defendant had represented himself once before)

**3.2 Speedy Trial**

- *Taylor v. State*, 667 S.W.3d 806 (5/17/23) (per curiam):

**Court of Appeals erred in failing to conduct the Barker balancing test and instead requiring some kind of formal speedy trial hearing; where record was sufficient to conduct the balancing test, the appellate court should have done so.**

Taylor was indicted for murder and tampering with evidence and received life sentences for each. In his sole issue on appeal, he argued that the "undue delay" of his trial "barren[ed] dismissal of the indictment on speedy trial grounds." The State responded that Taylor failed to preserve his complaint for appeal "by neglecting to file a motion to dismiss or otherwise ask the trial court to dismiss for a speedy trial violation." The court of appeals found that the record was not sufficiently developed to apply the balancing test articulated in *Barker v. Wingo*, 407 U.S. 514 (1972). The hearings at which the court discussed Taylor's speedy trial motion were informal and non-evidentiary. The court of appeals concluded that because there was no meaningful evidentiary record or hearing from which they could apply, balance, or analyze the Barker factors, they could not find that the trial court erred in implicitly denying the speedy trial motion.

The Court of Criminal Appeals unanimously disagreed in a per curiam opinion. Each of the cases cited by the court of appeals discussed a "meaningful hearing," but the Court of Criminal Appeals observed that that had never been an absolute requirement. No specially designated "speedy trial hearing" is required for appellate courts to analyze the Barker factors; it is only required that the relevant information (length of the delay,

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# SUPREME COURT

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## Counterman v. Colorado



- Became obsessed with C.W., a Colorado musician, and sent her hundreds of disturbing messages from 2014-2016
- “Good morning sweetheart” and “I am going to the store would you like anything?”
- “Was that you in the white Jeep?” “A fine display with your partner”

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## Counterman



- “I've had tapped phone lines before. What do you fear?” “[y]our arrogance offends anyone in my position”
- “How can I take your interest in me seriously if you keep going back to my rejected existence”
- “You're not being good for human relations. Die. Don't need you.”
- Charged with the offense of “stalking – serious emotional distress”
- Required to show he knowingly:

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