

No. \_\_\_\_\_

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

DAVID STILES, JR. – PETITIONER

vs.

STATE OF TEXAS – RESPONDENT

---

ON PETITION FOR A WRIT OF CERTIORARI TO THE  
COURT OF APPEALS OF TEXAS, FOURTEENTH DISTRICT, HOUSTON

---

**APPENDIX**

---

Michael C. Gross,  
Counsel of Record  
1524 North Alamo Street  
San Antonio, Texas 78215  
(210) 354-1919  
(210) 354-1920 Fax

## **TABLE OF CONTENTS**

### APPENDIX

Decision of Court of Appeals of Texas, Fourteenth District, Houston. . . . .	A
Judgment of 424th Judicial District Court, Burnet County, Texas. . . . .	B
Decision of Texas Court of Criminal Appeals denying review. . . . .	C

## **APPENDIX A**

**Document:** Stiles v. State, 596 S.W.3d 361**Stiles v. State, 596 S.W.3d 361****Copy Citation**

Court of Appeals of Texas, Fourteenth District, Houston

December 31, 2019, Memorandum Opinion Filed

NO. **14-18-00619-CR**

**Reporter**

**596 S.W.3d 361** \* | 2019 Tex. App. LEXIS 11229 \*\* | 2019 WL 7371948

DAVID STILES, JR., Appellant v. THE STATE OF TEXAS, Appellee

**Subsequent History:** Petition for discretionary review refused by [In re Stiles, 2020 Tex. Crim. App. LEXIS 575 \(Tex. Crim. App., Aug. 19, 2020\)](#)

**Prior History:** [\[\\*\\*1\]](#) On Appeal from the 424th District Court, Burnet County, Texas. Trial Court Cause No. 46487.

**Core Terms**

speedy, arrest, indictment, assault, weighs, sexual, acquiesced, resets, lab

**Case Summary****Overview**

HOLDINGS: [1]-The delay of more than four years and five months between defendant's arrest and trial did not violate his Sixth Amendment right to a speedy trial because the period of eight months between indictment and trial was due to the agreed resets. Also, the State moved for a continuance due to witness unavailability. Furthermore, he did not attempt to get his case to trial in a speedy manner before seeking dismissal since after indictment, he agreed to multiple resets that further delayed trial. Finally, though the delay was considered presumptively prejudicial to the defense, he failed to demonstrate any

prejudice since he made no argument that the missing witness was a material fact witness or that the missing witness could offer testimony that was in any way different from those of the witnesses that would testify during trial.

**Outcome**

Judgment affirmed.

► LexisNexis® Headnotes

**Judges:** Panel consists of Chief Justice [Frost](#) ▼ and Justices [Wise](#) ▼ and [Hassan](#) ▼.

**Opinion by:** [Ken Wise](#) ▼

## Opinion

---

### [\*365] MEMORANDUM OPINION

A jury found appellant, David Stiles, Jr., guilty of sexual assault. In a single issue, appellant contends his [Sixth Amendment](#) right to a speedy trial was violated. We affirm.

#### I. RIGHT TO A SPEEDY TRIAL

In his sole issue, appellant contends that a delay of more than four years and five months between his arrest and trial violated his [Sixth Amendment](#) right to a speedy trial.

##### A. Legal Principles

**HN1** ¶ "The [Sixth Amendment to the United States Constitution](#), made applicable through the [Fourteenth Amendment](#), guarantees a speedy trial to an accused." [Gonzales v. State](#), 435 S.W.3d 801, 808 (Tex. Crim. App. 2014). A court should consider the four *Barker* factors in addressing a speedy-trial claim: (1) the length of delay, (2) the State's reason for delay, (3) the defendant's assertion of his right to a speedy trial, and (4) prejudice to the defendant because of the length of the delay. See [Barker v. Wingo](#), 407 U.S. 514, 530, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972); see also [Balderas v. State](#), 517 S.W.3d 756, 767 (Tex. Crim. App. 2016). To trigger a full *Barker* analysis, a defendant must first make a threshold showing that the interval between accusation and trial is "presumptively prejudicial." [Balderas](#), 517 S.W.3d at 767. Generally, courts deem delays approaching one year as unreasonable enough to trigger further inquiry. [Dragoo v. State](#), 96 S.W.3d 308, 314 (Tex. Crim. App. 2003).

**HN2** ¶ We give almost [\*2] total deference to the trial court's historical fact findings that are supported by the record and draw reasonable inferences from those facts necessary to support the trial court's findings. [Balderas](#), 517 S.W.3d at 767-68. When a defendant loses a speedy trial claim in the trial court, we presume that the trial judge resolved any disputed fact issues in the State's favor, and we defer to the implied findings of fact that the record supports. [Cantu v. State](#), 253 S.W.3d 273, 282 (Tex. Crim. App. 2008). We will not consider any record evidence that was not before the trial court when it made its ruling. [Balderas](#), 517 S.W.3d

at 768. Review of the *Barker* factors involves both fact determinations and legal conclusions, but, the balancing test is a purely legal question that we review de novo. *Id.*

## B. Background

Appellant was charged with a sexual assault that occurred in October 2011. Appellant filed a motion to set aside the indictment for violating his constitutional right to a speedy trial on May 7, 2018. Trial was set for, and occurred on, May 21, 2018. Prior to trial, the trial court conducted a hearing on appellant's motion.

The case investigator from the Burnet County Sheriff's Department testified regarding the investigation, timeline, and reason for the delay in bringing the case to trial. On October [\*\*3] 22, 2011, the complainant reported that she had been sexually assaulted by appellant. The sexual assault occurred while complainant, complainant's boyfriend, appellant, appellant's father, appellant's two brothers, and a few other individuals were visiting a lake house in Burnet County for the weekend. Shortly after the assault was reported, the investigator interviewed the complainant and her boyfriend, and attempted to contact appellant [\*\*366] and his father. The investigator managed to speak briefly with both appellant and appellant's father. Neither appellant nor his father returned any of the investigator's numerous phone calls or messages. The investigator testified that she was aware that appellant worked for the family business, located approximately seventy miles south of Burnet County. She did not go to appellant's location to attempt to take his statement or otherwise interview him.

Appellant was arrested for the sexual assault in December 2013. Ten months later, in October 2014, the investigator obtained a search warrant to obtain appellant's DNA sample. The investigator testified that the delay between the arrest and the search warrant was because she was waiting for appellant [\*\*4] to let her know that he had retained an attorney. Through counsel, appellant agreed to meet with the investigator to allow the search warrant to be executed. A few days after executing the search warrant, the investigator submitted appellant's DNA swab to the lab for analysis. Two years later, in November 2016, the lab transmitted the results to the investigator. In April 2017, nearly five months after the lab issued its analysis and more than three years after his arrest, appellant was indicted for the sexual assault.

At the hearing, appellant's father testified regarding who was present at the lake house when the sexual assault occurred and whether those individuals were present to provide testimony at trial. He indicated that one person who had been present at the lake house was unable to be located. He admitted that he believed that all the other individuals that had been at the lake house were present to testify. Appellant's father testified that he would have been able to give a more detailed explanation and recollection of events had he been questioned sooner and that he expected the other witnesses would have the same issue.

The docket sheet indicates that an arraignment hearing [\*\*5] was set for May 2017 and that appellant waived his right to that hearing by motion. Between June and December 2017, there were four status hearings which were all reset by agreement. Trial was scheduled for March 5, 2018, but due to the unavailability of a State's witness, the trial setting was continued until May 21, 2018. Appellant filed a motion to set aside the indictment for failure to afford his constitutional right to a speedy trial on May 7, 2018.

After having "considered the motion and weighed the *Barker* factors" the trial court denied the motion and proceeded to trial on the same day. The trial court did not issue any order, fact findings, or legal conclusions.

## C. Analysis

### 1. Length of Delay

**HN3** "In determining whether a speedy trial has been denied, the length of delay is measured from the time the defendant was accused." *McCarty v. State*, 498 S.W.2d 212, 214 (Tex. Crim. App. 1973). The State concedes that the length of delay in this case triggers further inquiry and analysis of the *Barker* factors. See *Balderas*, 517 S.W.3d at 767. The delay of four years and five months between arrest and trial stretched far beyond the minimum needed to trigger the inquiry. See *Dragoo*, 96 S.W.3d at 314. As a result, this factor weighs heavily in favor of finding a violation of the speedy trial right. See [\*\*6] *id.*

### 2. Reason for Delay

**HN4** The State has the burden to justify the delay. *Cantu*, 253 S.W.3d at 280. "A more neutral reason such as negligence [**\*367**] or overcrowded courts should be weighted less heavily but nevertheless should be considered since the ultimate responsibility must rest with the government rather than with the defendant." *Barker*, 407 U.S. at 531. A valid reason, such as a missing witness or good faith plea negotiations, should serve to justify appropriate delay. See *id.*; *State v. Munoz*, 991 S.W.2d 818, 824 (Tex. Crim. App. 1999). When the State fails to establish a reason for the delay, we may presume neither a deliberate attempt to prejudice the defense nor a valid reason for the delay. *Dragoo*, 96 S.W.3d at 314; *State v. Wei*, 447 S.W.3d 549, 554 (Tex. App.—Houston [14th Dist.] 2014, pet. ref'd). The State argues that the evidence shows that the State was not willfully delaying trial, but instead was merely negligent in preparing and taking the case to trial. As a result, the State argues this factor should not weigh heavily against it.

One of the largest delays in moving this case to trial was the two-year period during which the lab analysis on the DNA samples was pending. The investigator testified that without the lab analysis, there was no physical evidence linking appellant to the sexual assault and the case would otherwise be solely based on the complainant's testimony against appellant. [**\*7**] While this circumstance might be an adequate justification for some of the delay, it does not take into account the delay between the arrest and obtaining a search warrant, and from indictment to trial. Some of the delay—a period of eight months between indictment and trial—was due to agreed resets. The State also moved for a continuance in March 2018, due to witness unavailability. Thus, while there was a significant delay, the portion to which appellant agreed, as well as a continuance due to witness unavailability is considered justified. See *Barker*, 407 U.S. at 531; *Munoz*, 991 S.W.2d at 824. The State did not offer any other reason to justify the other delays. **HN5** Absent a reason for the delay, a court may presume neither a deliberate attempt on the part of the State to prejudice the defense, nor a valid reason for the delay. See *Dragoo*, 96 S.W.3d at 314. This factor weighs against the State, but not heavily. See *id.*

### 3. Assertion of the Right

**HN6** Although a motion for a speedy trial cannot be filed until formal charges are made, the right to one can be asserted in other ways. *Cantu*, 253 S.W.3d at 283. "Invocation of the speedy trial provision . . . need not await indictment, information, or other formal charge." *United States v. Marion*, 404 U.S. 307, 321, 92 S. Ct. 455, 30 L. Ed. 2d 468 (1971); see also *Dillingham v. United States*, 423 U.S. 64, 65, 96 S. Ct. 303, 46 L. Ed. 2d 205 (1975) (per curiam). Where a defendant does not ask for a speedy [**\*8**] trial, and instead only asks for dismissal, it is incumbent upon the defendant to show some attempt to get the case into court so that trial could occur in a speedy manner. *Cantu*, 253 S.W.3d at 284. An accused who has been arrested but not formally charged has a choice:

[H]e can wait until he is charged, then file a motion for a speedy trial, and, if this request is not honored, he can then file a motion to dismiss because he diligently sought what he was entitled to—a speedy trial. Or, he can wait until he is charged and simply file a motion to dismiss if he can show that he diligently tried to move the case into court before formal charges were filed.

*Id.* at 284-85. In *Cantu*, the defendant never sought or requested a speedy trial, only an outright dismissal and tried to prove that he acted on the desire for a speedy resolution before he was charged. *Id.* at 285.

Here, like in *Cantu*, there was [**\*368**] no showing or evidence that appellant ever sought or requested a speedy trial. Appellant sought an outright dismissal without attempting to show that he acted on the desire for a speedy resolution. Instead of asserting his right to a speedy trial after being indicted, appellant agreed to resets of the trial for eight months. Nothing in the [**\*9**] record reveals that appellant asserted his right to a speedy trial prior to his motion to dismiss filed just before trial. See *Barker*, 407 U.S. at 532 (emphasizing that **HN7** a defendant's failure to assert his right to a speedy trial "will make it more difficult for a defendant to prove that he was denied a speedy trial"); *Munoz*, 991 S.W.2d at 826 (concluding inaction dispositive of the "assertion of the right" *Barker* factor where nothing moved for or filed prior to defendant's motion to dismiss the indictment expressly reflected an assertion of defendant's speedy trial right).

Appellant argues that he timely asserted his right to a speedy trial through motion, citing *Phillips v. State* in support. 650 S.W.2d 396 (Tex. Crim. App. 1983). In *Phillips*, the defendant was unaware that he had been indicted for over a year. *Id.* at 400. Once the defendant was notified of the indictment, the defendant then delayed asserting his right to a speedy trial for another four months and filed his motion to dismiss only seven days prior to trial. *Id.* at 401. Instead of requesting a speedy trial, the defendant sought dismissal. *Id.* However, the record did not reflect when the defendant had retained counsel, what investigation counsel undertook of the matter, and the length of time the investigation took. *Id.* [**\*10**] The record also revealed

that a co-defendant had died in the interim, which the defendant asserted caused him prejudice. *Id.*

In this case, unlike in *Phillips*, appellant cannot assert that he did not know of the allegations asserted against him. The case investigator testified that she had called appellant and his father at least fourteen times to discuss the allegations. Appellant retained counsel in December 2013, shortly after his arrest. Even assuming a lengthy investigation by counsel, there is nothing in the record to reflect that appellant attempted to get his case to trial in a speedy manner before seeking dismissal. Between appellant's arrest and trial setting, a period of more than four years, there is no indication that appellant took any action to assert his right to a speedy trial despite being represented by counsel during that entire period. Instead, after indictment, appellant agreed to multiple resets that further delayed trial. Trial occurred within two weeks of appellant filing his speedy trial motion. There is also no assertion that a key fact witness died or was otherwise unavailable due to the lapse of time between arrest and trial. *HN8* The longer the delay is, the *[\*\*11]* more heavily the defendant's inaction weighs against him. See *Dragoo*, 96 S.W.3d at 314.

The absence of any evidence to show that appellant attempted to get his case to trial in a speedy fashion and that his first motion sought dismissal weighs heavily against his claim that he truly sought a speedy trial. See *Cantu*, 253 S.W.3d at 284 ("[F]ailure to diligently and vigorously seek a rapid resolution is entitled to strong evidentiary weight." (quotation omitted)); *Dragoo* 96 S.W.3d at 315 ("In view of the lengthy delay here, in which [the defendant] quietly acquiesced, this factor weighs heavily against finding a violation of the speedy trial right.").

#### 4. Prejudice

*HN9* "When a court analyzes the prejudice to the defendant, it must do so in light of the defendant's interests that the speedy-trial right was designed to protect: *[\*\*369]* (1) to prevent oppressive pretrial incarceration, (2) to minimize the accused's anxiety and concern, and (3) to limit the possibility that the accused's defense will be impaired." *Cantu*, 253 S.W.3d at 285. Of these, the last is the most serious because the defendant's inability to prepare his case skews the fairness of the entire system. *Id.* "[E]xcessive delay presumptively compromises the reliability of a trial in ways that neither party can prove or, for that matter, *[\*\*12]* identify." *Doggett v. United States*, 505 U.S. 647, 655, 112 S. Ct. 2686, 120 L. Ed. 2d 520 (1992). "On the other hand, this 'presumption of prejudice' is 'extenuated . . . by the defendant's acquiescence' in the delay." *Dragoo*, 96 S.W.3d at 315 (omission in original) (quoting *Doggett*, 505 U.S. at 658).

Though the delay is considered presumptively prejudicial to the defense, appellant failed to demonstrate any prejudice. See *id.* at 315-16 ("prejudice" factor weighed against violation of defendant's speedy trial right even though three-and-a-half-year delay was "patently excessive" and "presumptively prejudicial" because defendant acquiesced in the delay and failed to demonstrate prejudice). Namely, there was only one person of six total witnesses that was not available to testify at trial. Appellant made no argument that the missing witness was a material fact witness or that the missing witness could offer testimony that was in any way different from those of the witnesses that would testify during trial. Appellant's father testified at the hearing that his memory would have been better had the trial occurred closer to the incident. Appellant did not testify regarding the effect that the pending charges had on him or the conditions that he had to meet for his bond. Appellant agreed to multiple resets that delayed trial. The first *[\*\*13]* assertion of appellant's speedy trial right was not made until two-weeks before the May 2018 trial setting. Because appellant acquiesced in the delay and failed to demonstrate prejudice, this factor weighs against a speedy trial violation. See *id.*; *Cantu*, 253 S.W.3d at 285 (defendant's testimony regarding ulcer and weekly check-ins with bondsman considered evidence of "some degree of personal anxiety" but not one of the "major evils protected against by the speedy trial guarantee").

#### 5. Balancing the Barker Factors

When balanced together, the weight of the four factors falls against concluding that a violation of appellant's right to a speedy trial occurred. See *Barker*, 407 U.S. at 534 (where defendant was not seriously prejudiced by five-year delay between arrest and trial and defendant did not want speedy trial, defendant's *Sixth Amendment* right to a speedy trial not violated); *Phipps v. State*, 630 S.W.2d 942, 946 (Tex. Crim. App. 1982) (where defendant demonstrated no prejudice by four-year delay between arrest and trial and defendant waited until one month before trial to assert his right to a speedy trial, defendant's *Sixth Amendment* right to a speedy trial not violated); *Dragoo*, 96 S.W.3d at 316 (where defendant quietly acquiesced in delay from three-and-a-half-years, showed no prejudice, and failed to assert speedy trial right until just *[\*\*14]* prior to trial by requesting dismissal, defendant's *Sixth Amendment* right to a speedy trial not violated).

We overrule appellant's sole issue.



## II. CONCLUSION

Having overruled appellant's sole issue, we affirm the judgment of the trial court.

/s/ [Ken Wise](#) ▼

Justice

Panel consists of Chief Justice Frost and Justices [Wise](#) ▼ and [Hassan](#) ▼.

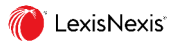
Do Not Publish — [Tex. R. App. P. 47.2\(b\)](#).

**Content Type:** Cases

**Terms:** "14-18-00619-CR"

**Narrow By:** Court: State Courts>Texas

**Date and Time:** Oct 30, 2020 05:07:34 p.m. EDT



[About  
LexisNexis®](#)

[Privacy  
Policy](#)

[Cookie  
Policy](#)

[Terms &  
Conditions](#)

[Sign  
Out](#)

Copyright  
© 2020  
LexisNexis.



[Print](#)

## **APPENDIX B**



CASE No. 46487 COUNT 1  
INCIDENT NO./TRN: 9275365652 A001

THE STATE OF TEXAS

§  
§  
§  
§  
§  
§  
§

IN THE 424TH DISTRICT COURT

V.

OF

DAVID CLYDE STILES, JR

BURNET COUNTY, TEXAS

STATE ID No.: TX-08096556

## JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	HON. ROY FERGUSON	Date Judgment Entered:	05/24/2018
Attorney for State:	PETER KEIM AMBER MYERS	Attorney for Defendant:	TREY BROWN RICHARD MOCK
Offense for which Defendant Convicted:			
SEXUAL ASSAULT			
Charging Instrument:		Statute for Offense:	
INDICTMENT		22.011(a)(1) Penal Code	
Date of Offense:			
10/22/2011			
Degree of Offense:		Plea to Offense:	
SECOND DEGREE FELONY		NOT GUILTY	
Verdict of Jury:		Findings on Deadly Weapon:	
GUILTY		N/A	
Plea to 1 <sup>st</sup> Enhancement Paragraph:	N/A	Plea to 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	N/A
Findings on 1 <sup>st</sup> Enhancement Paragraph:	N/A	Findings on 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	N/A
Punished Assessed by:	Date Sentence Imposed:	Date Sentence to Commence:	
JURY	5/24/2018	5/24/2018	
Punishment and Place of Confinement:	TEN (10) YEARS INSTITUTIONAL DIVISION, TDCJ		

THIS SENTENCE SHALL RUN CONCURRENTLY.

☒ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR SEVEN (7) YEARS.

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$ 10,000	\$ 539.00	\$ N/A	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

☐ Attachment A, Order to Withdraw Funds, is incorporated into this judgment and made a part hereof.

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62.

The age of the victim at the time of the offense was 20 YEARS OLD .

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited:	From 12/16/2016 to 12/17/2016	From to	From to
	From to	From to	From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

N/A DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Burnet County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

It appeared to the Court that Defendant was mentally competent and had pleaded as shown above to the charging instrument. Both parties announced ready for trial. A jury was selected, impaneled, and sworn. The INDICTMENT was read to the jury, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and ORDERED it entered upon the minutes of the Court.

**Punishment Assessed by Jury / Court / No election (select one)**

☒ **Jury.** Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.

☐ **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

☐ **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

The Court FINDS Defendant committed the above offense and ORDERS, ADJUDGES AND DECREES that Defendant is GUILTY of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

**Punishment Options (select one)**

☒ **Confinement in State Jail or Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the Director, Institutional Division, TDCJ. The Court ORDERS Defendant to be confined for the period and in the manner indicated above. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court ORDERS that upon release from confinement, Defendant proceed immediately to the Burnet District Clerk. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant immediately committed to the custody of the Sheriff of Burnet County, Texas on the date the sentence is to commence. Defendant shall be confined in the Burnet County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the Burnet County District Clerk. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the Office of the Burnet County District Clerk. Once there, the Court ORDERS Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

**Execution / Suspension of Sentence (select one)**

☐ The Court ORDERS Defendant's sentence EXECUTED.

☒ The Court ORDERS Defendant's sentence of confinement SUSPENDED. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

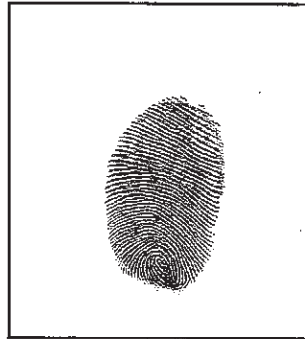
**Furthermore, the following special findings or orders apply:**

FINE NOT SUSPENDED

Signed and entered on MAY 24, 2018.

X   
ROY FERGUSON  
JUDGE PRESIDING

Clerk:



Right Thumbprint

## **APPENDIX C**

**Document:** In re Stiles, 2020 Tex. Crim. App. LEXIS 575

---

**In re Stiles, 2020 Tex. Crim. App. LEXIS 575**[Copy Citation](#)

Court of Criminal Appeals of Texas

August 19, 2020, Decided

PD-0077-20

**Reporter****2020 Tex. Crim. App. LEXIS 575 \*****DAVID STILES JR.****Notice:** DECISION WITHOUT PUBLISHED OPINION**Prior History:** [\*1] FROM BURNET COUNTY - 14-18-00619-CR.[Stiles v. State, 596 S.W.3d 361, 2019 Tex. App. LEXIS 11229 \(Tex. App. Houston 14th Dist., Dec. 31, 2019\)](#)**Opinion**

---

APPELLANT'S PETITION FOR DISCRETIONARY REVIEW REFUSED.

**Content Type:** Cases**Terms:** david w/5 stiles**Narrow By:** Court: State Courts>Texas**Date and Time:** Nov 12, 2020 12:10:19 p.m. EST

APPENDIX C