

APPENDIX A

DECISION OF THE STATE COURT OF APPEALS

The opinion of the Court can be found at;

Hickman v. State
2025 Tex.App. 4679
Houston [14th Dist.] July 3, 2025

Note: Petitioner cannot supply a copy as Texas prisons do not give access to a copy machine and Petitioner's only copy was furnished to the Court of Criminal Appeals of Texas.



Hickman-Staudt v. State

Court of Appeals of Texas, Fourteenth District, Houston

July 3, 2025, Opinion Filed

NO. 14-23-00840-CR

Reporter

2025 Tex. App. LEXIS 4679 *; 2025 LX 291728; 2025 WL 1833395

CHRISTIAN TYLER HICKMAN-STAUDT, Appellant v.
THE STATE OF TEXAS, Appellee

Notice: PLEASE CONSULT THE TEXAS RULES OF APPELLATE PROCEDURE FOR CITATION OF UNPUBLISHED OPINIONS.

Subsequent History: Petition for discretionary review refused by *In re Hickman-Staudt*, 2025 Tex. Crim. App. LEXIS 779 (Tex. Crim. App., Oct. 23, 2025)

Prior History: [*1] On Appeal from the 122nd District Court, Galveston County, Texas. Trial Court Cause No. 21-CR-2928.

Core Terms

credibility, murder, kill, interview, challenged statement, expert testimony, arrest, guilt, night

Case Summary

Overview

Key Legal Holdings

- The trial court did not err in overruling the defendant's objection to the detective's testimony about the credibility of the defendant's statement.
- The prosecutor's statement in closing argument that the defendant was "the only person that can tell us what actually happened" was not an improper comment on the defendant's failure to testify.

Material Facts

- The victim was found dead with his throat slit in his

home, with no signs of burglary.

- Hickman-Staudt told police he was home with the victim that night and intruders killed the victim, but evidence contradicted his account.
- DNA evidence linked Hickman-Staudt to the knife found near the body.
- Hickman-Staudt's behavior after the murder suggested consciousness of guilt.

Controlling Law

- The court applied Texas state law governing the admissibility of evidence, harmless error analysis, and the propriety of closing arguments in criminal trials.

Court Rationale

Regarding the detective's testimony on credibility, the court found any error in admitting it was harmless given the substantial evidence of guilt, the limited nature of the testimony, and the jury instructions that they were the sole judges of credibility. Regarding the prosecutor's closing argument, the court found it was a permissible summation of evidence from the defendant's own recorded statement, not a comment on his failure to testify.

Outcome

Procedural Outcome

The Court of Appeals affirmed the trial court's judgment convicting Hickman-Staudt of murder and sentencing him to 55 years in prison.

LexisNexis® Headnotes

Criminal Law & Procedure > ... > Standards of Review > Harmless & Invited Error > Evidence

Evidence > ... > Testimony > Expert Witnesses > Criminal Proceedings

HN1 Harmless & Invited Error, Evidence

A substantial right is affected when the error had a substantial and injurious influence on the jury's verdict. An appellate court may consider, among other things: (1) the strength of the evidence of the defendant's guilt; (2) whether the jury heard the same or substantially similar admissible evidence through another source; (3) the strength or weakness of an expert's conclusions, including whether the expert's opinion was effectively refuted; and (4) whether the State directed the jury's attention to the expert's testimony during arguments. Even in cases in which credibility is paramount, Texas courts have found harmless error when the inadmissible expert testimony was only a small portion of a large amount of evidence presented that the jury could have considered in assessing credibility.

Criminal Law & Procedure > ... > Standards of Review > Harmless & Invited Error > Evidence

Evidence > Admissibility > Procedural Matters > Rulings on Evidence

HN2 Harmless & Invited Error, Evidence

An error in the admission of evidence is cured where the same evidence comes in elsewhere without objection.

Criminal Law & Procedure > Trials > Closing Arguments > Defendant's Failure to Testify

Criminal Law & Procedure > Trials > Closing Arguments > Fair Comment & Fair Response

Criminal Law & Procedure > ... > Defendant's Rights > Right to Remain Silent > Prosecutor's Comments on Defendant's Silence

HN3 Closing Arguments, Defendant's Failure to Testify

Proper jury argument generally includes (1) summations

of the evidence, (2) reasonable deductions from the evidence, (3) answers to an argument of opposing counsel, and (4) pleas for law enforcement. A comment on a defendant's failure to testify violates both the state and federal constitutions as well as Texas statutory law. The court analyzes the comment in the context in which it was made and resolves any ambiguities in the language in favor of it being a permissible argument.

Criminal Law & Procedure > Trials > Closing Arguments > Defendant's Failure to Testify

Criminal Law & Procedure > ... > Defendant's Rights > Right to Remain Silent > Prosecutor's Comments on Defendant's Silence

HN4 Closing Arguments, Defendant's Failure to Testify

When a defendant's statement is admitted into evidence, the State's reference to it is not a comment on the defendant's failure to testify or his right to remain silent.

Counsel: For The State of Texas, Criminal - State of Texas: Jack Roady; Rebecca Klaren.

For **Hickman-Staudt**, Christian Tyler, Criminal - Appellant: Adam Banks Brown.

Judges: Panel consists of Justices Wilson, Hart, and Boatman.

Opinion by: Katy Boatman

Opinion

MEMORANDUM OPINION

A jury found Appellant Christian Tyler **Hickman-Staudt** guilty of murder and assessed punishment at 55 years' confinement. In two issues, Appellant asserts the trial court erred by admitting expert testimony on the credibility of his statement to police and overruling his objection to the State's comment on his failure to testify. We affirm the trial court's judgment.

BACKGROUND

The victim was found dead in his League City home in

July 2020. His throat had been slit and a knife was found in the bathroom sink near his body. There were no signs of burglary or forced entry in his home.

Appellant was arrested in Minnesota in connection with the victim's death and extradited to Texas. In a recorded interview, Appellant said he had been home with the victim the night of the murder, but denied killing the victim, who he claimed had been killed by intruders.

Appellant [*2] was charged with the victim's murder and proceeded to a jury trial in September 2023. The jury found Appellant guilty after six days of evidence. Appellant timely appealed.

ANALYSIS

I. Statement on Appellant's credibility

Detective Vogel interviewed Appellant shortly after his arrest. She testified that Appellant told her that he had been in a sexual relationship and had been living with the victim for about a month before his death. Appellant said he and the victim had been "doing a lot of meth" and "having a lot of sex" on the night of the murder. He said that he was in the restroom when he heard more than one person enter the home and kill the victim. Appellant said the intruders were "totally silent"; he recalled only hearing the victim say, "stop."

Appellant came out of the restroom when it was quiet. He said he saw a lot of blood and noticed that the house had been "ransacked." Appellant "ran for his life" and left the house on the victim's bicycle. Appellant repeatedly told the interviewing officers they "had the wrong person" and that he did not kill the victim.

On redirect examination, Detective Vogel had the following exchange with the State's prosecutor:

Q. . . . When you were [*3] interviewing [Appellant], did you feel like the story that he was telling you was reasonable based on the evidence you had?

A. No.

Appellant objected to this question, asserting that Detective Vogel's "opinion is not relevant" and that "it's the jury's opinion that matters." The trial court overruled his objection.

Appellant challenges this ruling on appeal, arguing that a direct opinion on a witness's truthfulness constitutes inadmissible evidence. We presume without deciding that the trial court erred in overruling Appellant's

objection and review for non-constitutional error, disregarding the statement unless it affected a defendant's substantial rights. *Barshaw v. State*, 342 S.W.3d 91, 93 (Tex. Crim. App. 2011); *Coble v. State*, 330 S.W.3d 253, 280 (Tex. Crim. App. 2010).

HN1 A substantial right is affected when the error had a substantial and injurious influence on the jury's verdict. *Coble*, 330 S.W.3d at 280. We may consider, among other things: (1) the strength of the evidence of the defendant's guilt; (2) whether the jury heard the same or substantially similar admissible evidence through another source; (3) the strength or weakness of an expert's conclusions, including whether the expert's opinion was effectively refuted; and (4) whether the State directed the jury's attention to the expert's testimony during arguments. [*4] *Brown v. State*, 580 S.W.3d 755, 765-66 (Tex. App.—Houston [14th Dist.] 2019, pet. refd). "Even in cases in which credibility is paramount, Texas courts have found harmless error when the inadmissible expert testimony was only a small portion of a large amount of evidence presented that the jury could have considered in assessing [] credibility." *Barshaw*, 342 S.W.3d at 96. Applying these factors here, we conclude any error in the admission of Detective Vogel's opinion as to Appellant's truthfulness was harmless.

First, aside from Detective Vogel's challenged statement, substantial evidence supports the jury's verdict. Text messages between Appellant and the victim one month before his death show that Appellant was increasingly desperate to buy methamphetamine. Several witnesses testified about the victim's lifestyle, and one said he met Appellant at the victim's house in the summer of 2020 and said Appellant was "definitely on drugs." The victim's mother said Appellant was the last person who had been living in his house before his death. While cleaning out his house, she found a safe hidden in a bedroom closet that had been tampered with and had several holes drilled into its door. The victim's mother called a locksmith to open the safe and found drugs inside. Testifying at trial, the locksmith [*5] said the drilled holes were the work of an "amateur" and would have "take[n] some time." The victim's former roommate said the safe did not have holes drilled in its door when he lived at the house.

A knife was found in the bathroom sink near the victim's body. DNA testing done on the knife's handle showed that the victim and Appellant were likely contributors to the sampled profile. Describing a knife as a "weapon of opportunity," Detective Vogel testified that its use

suggests that the victim's murder "was something that wasn't planned" whereas "[h]ome invasions are typically planned." Detective Vogel also pointed to other evidence inconsistent with a home invasion and testified that the victim's home was not ransacked and that items of value were left in place.

Appellant's behavior after the victim's murder was erratic: his cell phone records show he made 24 calls and text messages to his mother beginning about one hour after 11:50 p.m., the estimated time of the victim's death. Appellant then appeared on video surveillance cameras from two gas stations located near the victim's house shortly after 1:00 a.m. Appellant's mother testified that Appellant called her around 1:00 a.m. the [*6] night of the murder. She said he was crying and upset and asked her to pick him up near the victim's house. She drove to the location and found Appellant standing in the middle of a dirt road, "muddy," "crying," and "visibly upset."

Appellant's behavior was also indicative of a consciousness of guilt: his mother drove him to a bus station in Austin and, en route, Appellant threw his cell phone out of the car. When asked if she knew where Appellant was traveling, Appellant's mother responded: "No. I told [Appellant], I was, like, 'I don't want to know where you're going.'" He was eventually arrested in Minnesota.

This evidence, taken together, provides substantial support for the jury's guilty verdict. See Clay v. State, 240 S.W.3d 895, 905 n.11 (Tex. Crim. App. 2007) ("Evidence of flight evinces a consciousness of guilt."); see also McKenzie-Polk v. State, No. 11-18-00342-CR, 2021 Tex. App. LEXIS 7358, 2021 WL 3919419, at *5 (Tex. App.—Eastland Sept. 2, 2021, no pet.) (mem. op., not designated for publication) ("Appellant's attempts to conceal or destroy entries and data on her cell phone" constituted "circumstantial evidence of Appellant's guilt").

Second, the jury heard other testimony regarding Appellant's credibility without objection. Detective Vogel was asked whether "anything that [she] received after making the arrest decision in any way changed [her] opinion as to who committed [*7] the murder," to which she responded: "No." Appellant did not object. See Valle v. State, 109 S.W.3d 500, 509 (Tex. Crim. App. 2003) ("**HN2** An error in the admission of evidence is cured where the same evidence comes in elsewhere without objection.>").

Third, Detective Vogel's statement about Appellant's

credibility was not particularly strong. She gave a one-word answer that was a very small part of what is otherwise a very large record. Appellant's trial lasted six days with 25 witnesses testifying. The challenged question and Detective Vogel's response to it constitute less than half a page of the over 1,000 pages of testimony, lessening any impact it likely had on the jury. And the jurors were repeatedly instructed that they were the exclusive judges of the witnesses' credibility. After watching Appellant's recorded interview and comparing his explanation of events to other admitted evidence, a reasonable jury could have concluded that Appellant was not a credible witness even without Detective Vogel's statement. See, e.g., Brown, 580 S.W.3d at 767.

Fourth, the State did not mention Detective Vogel's challenged statement in closing argument, again lessening its impact.

Considering these factors as a whole, any error in the admission of the statement regarding Appellant's [*8] credibility did not have a substantial and injurious effect or influence in determining the jury's verdict. See Barshaw, 342 S.W.3d at 93; Coble, 330 S.W.3d at 280. Therefore, we overrule Appellant's first issue.

II. Comment on Appellant's failure to testify

Appellant also argues that the prosecutor improperly commented on the weight of the evidence when he told the jury during closing argument that Appellant was the only person who could tell them what actually happened the night the victim was killed. We disagree.

HN3 Proper jury argument generally includes (1) summations of the evidence, (2) reasonable deductions from the evidence, (3) answers to an argument of opposing counsel, and (4) pleas for law enforcement. Freeman v. State, 340 S.W.3d 717, 727 (Tex. Crim. App. 2011). A comment on a defendant's failure to testify "violates both the state and federal constitutions as well as Texas statutory law." Randolph v. State, 353 S.W.3d 887, 891 (Tex. Crim. App. 2011). We analyze the comment in the context in which it was made and "resolve any ambiguities in the language in favor of it being a permissible argument." *Id.*

Here, the challenged statement can be reasonably construed as a summation of the evidence. In the recorded interview following his arrest, Appellant said, "I'm the only person that can tell y'all what really happened." And before she made the [*9] challenged statement in her closing argument, the prosecutor

expressly referenced the recorded interview:

This is someone that just killed a man. [Appellant] killed him. And I wish I could tell you what it was about. ***The one true thing the [Appellant] said in his statement*** — two true things. One, [the victim] did not deserve to die. And two, [Appellant is] the only person that can tell us what actually happened in that house the night [the victim] was killed.

(emphasis added). ***HN4*** When a defendant's statement is admitted into evidence, the State's reference to it is "not a comment on the defendant's failure to testify or his right to remain silent." *Garcia v. State*, 126 S.W.3d 921, 924 (Tex. Crim. App. 2004). Because the challenged statement was essentially a summation of evidence presented at trial, the trial court did not err in overruling Appellant's objection. See *Freeman*, 340 S.W.3d at 727. We overrule Appellant's second issue.

CONCLUSION

We affirm the trial court's final judgment.

/s/ Katy Boatman

Justice

Panel consists of Justices Wilson, Hart, and Boatman.

Do Not Publish — Tex. R. App. P. 47.2(b).

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APPENDIX B

The Court of Criminal Appeals REFUSED review

A copy of the refusal can be found at:

Hickman v. State

In re Hickman-Staudt

2025 Tex.Crim.App. LEXIS 779

October 23, 2025



Neutral

As of: January 28, 2026 7:20 PM Z

In re Hickman-Staudt

Court of Criminal Appeals of Texas

October 23, 2025, Decided

PD-0500-25

Reporter

2025 Tex. Crim. App. LEXIS 779 *; 2025 LX 462833

CHRISTIAN TYLER **HICKMAN-STAUDT**

Notice: DECISION WITHOUT PUBLISHED OPINION

Prior History: [*1] FROM GALVESTON COUNTY -
14-23-00840-CR.

*Hickman-Staudt v. State, 2025 Tex. App. LEXIS 4679,
2025 WL 1833395 (July 3, 2025)*

Opinion

APPELLANT'S PETITION FOR DISCRETIONARY
REVIEW REFUSED.

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