



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-09-00114-CR

HOWARD WEATHERALL, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 354th Judicial District Court
Hunt County, Texas
Trial Court No. 25250

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

A jury found Howard Weatherall, Jr., guilty of aggravated assault with a deadly weapon and unlawful possession of a firearm. Weatherall pled true to several previous felony convictions, his sentence was enhanced, and the trial court imposed forty years of imprisonment in the Texas Department of Criminal Justice—Institutional Division. On appeal of two cause numbers briefed together, Weatherall alleges the trial court erred in failing to submit the issue of self-defense to the jury, and claims his counsel was ineffective in failing to request a jury instruction on the defense of necessity.¹

We addressed Weatherall's points of error in detail in our opinion of this date in cause number 06-09-00095-CR. For the reasons stated therein, we affirm the trial court's judgment.

Jack Carter
Justice

Date Submitted: October 5, 2009
Date Decided: October 20, 2009

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¹Weatherall appeals from two convictions, one for aggravated assault with a deadly weapon, and another for unlawful possession of a firearm, cause numbers 06-09-00095-CR and 06-09-00114-CR.