



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

DILLON WADE CREWS,	§	No. 08-22-00045-CR
Appellant,	§	Appeal from the
v.	§	109th Judicial District Court
THE STATE OF TEXAS,	§	of Crane County, Texas
Appellee.	§	(TC# 1886)

OPINION

The State charged Appellant by indictment with evading arrest with a motor vehicle. TEX. PENAL CODE ANN. § 38.04. A jury convicted Appellant and assessed punishment at six years confinement. The trial court sentenced Appellant accordingly. On appeal, Appellant challenges the sufficiency of the evidence to support his conviction. We affirm.

Factual and Procedural Background

Officer Bruce Williams, an investigator for the City of Crane Police Department, was investigating an unrelated event when he heard the sound of two motorcycles approaching from the South. He noticed that both motorcycles appeared to be driving over the speed limit in a residential zone. As the motorcycles approached, he recognized the drivers as Appellant and John Quesada. Williams, who was wearing a pullover with a badge on it, motioned for both drivers to stop, and they complied. He testified that he stopped the drivers because the engines on their

motorcycles were creating excessive noise. Once stopped, Williams noticed that Quesada's motorcycle was unregistered, and Appellant's motorcycle had a Budweiser beer in the holder attached to his handlebars. He also noticed that Appellant's motorcycle did not have a headlamp or turn indicators, which are required safety equipment for vehicles operating on a roadway. Williams asked both drivers for their licenses—neither had them.

Williams told Appellant and Quesada to “wait here,” and he went back to his marked patrol vehicle to get his citation book. While he was at his patrol vehicle, Appellant “took off.” Williams testified that he could hear Appellant's vehicle circling around the area before reapproaching from an alley near his patrol car. As Appellant reapproached Williams, he stepped out into the alley with his hand raised and asked Appellant to stop. Appellant declined to stop, and Williams got in his patrol vehicle, initiated his lights and siren, and began to pursue Appellant. Appellant proceeded to drive down the street, cutting across a residence, where he came to a stop at his residence and dismounted his motorcycle. Williams then placed Appellant under arrest.

Sufficiency of the Evidence

In Appellant's sole issue, he challenges the sufficiency of the evidence to support his conviction. Appellant contends there is insufficient evidence that Williams had or was attempting to detain him. Specifically, Appellant argues because there was only an encounter with Williams, rather than a detention, he was free to terminate the encounter and leave.

When reviewing a challenge to the legal sufficiency of the evidence to support a criminal conviction, we consider all the evidence in the light most favorable to the verdict and determine whether, based on that evidence and reasonable inferences, any rational juror could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 318–19 (1979); *Hooper v. State*, 214 S.W.3d 9, 16–17 (Tex. Crim. App. 2020). Our review gives

deference to the trier of fact, and the jury is the sole judge of the credibility of a witness's testimony and the weight to be given to that testimony. *Metcalf v. State*, 597 S.W.3d 847, 855 (Tex. Crim. App. 2020). The jury may believe all, some, or none of a witness's testimony. *Id.*

A person commits the offense of evading arrest if he “intentionally flees from a person he knows is a peace officer or federal special investigator attempting lawfully to arrest or detain him.” TEX. PENAL CODE ANN. § 38.04(a). The accused must know that the person from whom he is fleeing is a peace officer attempting to arrest or detain him. *Jackson v. State*, 718 S.W.2d 724, 725 (Tex. Crim. App. 1986). Fleeing is “anything less than prompt compliance with an officer’s direction to stop[.]” *Lopez v. State*, 415 S.W.3d 495, 497 (Tex. App.—San Antonio 2013, no pet.) (citing *Horne v. State*, 228 S.W.3d 442, 446 (Tex. App.—Texarkana 2007, no pet.)) [Internal quotations omitted]. Proof that an officer is attempting to arrest or detain a person can be shown by the officer displaying authority through use of a verbal command or activating the lights and sirens in a patrol vehicle. *See Duvall v. State*, 367 S.W.3d 509, 513 (Tex. App.—Texarkana 2012, pet. ref’d). A jury may infer the defendant’s knowledge from circumstantial evidence such as acts, words, and conduct. *Reyes v. State*, 480 S.W.3d 70, 77 (Tex. App.—Fort Worth 2015, pet. ref’d). We determine whether a jury’s inferences are reasonable “based upon the combined and cumulative force of all the evidence when viewed in the light most favorable to the verdict.” *Hooper*, 214 S.W.3d at 17.

We conclude the record contains sufficient evidence indicating Appellant knew that Williams was a police officer attempting to detain him before and during the pursuit. Williams made a show of authority in an attempt to detain Appellant multiple times. Williams testified that he told Appellant to “wait here” after initially stopping Appellant. Rather than wait, Appellant left the area on his motorcycle. Appellant contends that only Quesada was detained, however

Appellant returned to the area again moments after leaving and was verbally directed by Williams to stop. Williams testified that after Appellant refused to stop, he pursued Appellant in his marked police vehicle with the emergency lights and siren. The video from Williams' dash camera shows Appellant looking back at the police vehicle and continuing to drive away, cutting over a residential property after Williams activated his lights and siren. Viewing the evidence in the light most favorable to the verdict, we conclude that a rational fact finder could have found each element beyond a reasonable doubt. *Jackson*, 443 U.S. at 319. We overrule Appellant's sole issue.

CONCLUSION

The judgment of the trial court is affirmed.

SANDEE B. MARION, Chief Justice (Ret.)

December 30, 2022

Before Rodriguez, C.J., Alley, J., and Marion, C.J. (Ret.)
Marion, C.J. (Ret.) (Sitting by Assignment)

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