

Opinion filed March 31, 2014



In The

# **Eleventh Court of Appeals**

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No. 11-12-00090-CR

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**WILLIAM EARL STIRMAN, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 238th District Court**

**Midland County, Texas**

**Trial Court Cause No. CR38912**

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## **CONCURRING MEMORANDUM OPINION**

I concur with the majority in its result, but disagree with its reasoning on the admission of some of David Newman's testimony. Newman was neither offered nor qualified as a biomechanical expert or forensic pathologist. I would find that he was not qualified to give an opinion on the victim's movements prior to and

after the shooting. However, Appellant suffered no harm with the admission of this evidence in light of other evidence adduced.

MIKE WILLSON  
JUSTICE

March 31, 2014

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,  
Willson, J., and Bailey, J.