Opinion issued August 25, 2020

In The

Court of Appeals

For The

First District of Texas

NO. 01-19-00928-CR

JOSE RICARDO RAMOS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 339th District Court
Harris County, Texas
Trial Court Case No. 1477310

MEMORANDUM OPINION

A jury found appellant, Jose Ricardo Ramos, guilty of the felony offense of aggravated robbery.[1] After finding true the allegation in an enhancement paragraph that appellant had been previously convicted of a felony offense, the jury assessed

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1 *See* TEX. PENAL CODE ANN. § 29.03(a)(2), (b).

his punishment at confinement for thirty years. In his sole issue, appellant contends that the trial court erred in admitting certain bond-forfeiture evidence during the guilt phase of trial.

We affirm.

Background

The complainant, Lesly Martinez, testified that around 2:00 a.m. on August 4, 2015, a group of men "broke[] into" the home she shared with her three daughters in Harris County, Texas. The complainant's mother, Gloria Puente, and two other women, Marilu Vasquez and Estella Ontivares, lived in garage apartments behind the complainant's home.

The complainant explained that she awoke to a "loud bang sound" in her home, got out of bed to investigate the source of the noise, and was confronted by a man who held a firearm to her head. The man told the complainant to go back to her bedroom where her youngest daughter was still asleep. The complainant described the man as "slim, kind of tall"; he was wearing a ski mask, a bulletproof vest, and dark clothing. He demanded that the complainant give him "the drugs, the money," and "anything of value," and he struck the complainant with the firearm. A second man, whom the complainant described as "kind of slim" but shorter than the first man, entered the complainant's bedroom and began searching through the complainant's belongings. A third man woke up the complainant's two other

daughters and brought them into the complainant's bedroom. When the complainant's youngest daughter woke up, one of the men "pushed her" to the complainant. According to the complainant, the men took jewelry, money, and her cellular telephone. The complainant stated that the garage apartments behind her home were being "targeted at the same time." Eventually, the men "ran out."

The complainant's eldest daughter, M.C., testified that on August 4, 2015, she was living in a home with her mother, the complainant, and her two sisters. M.C. stated that she shared a room with one of her sisters and her youngest sister slept in the complainant's bedroom. According to M.C., at around 2:00 a.m., a "tall man," wearing "all black" and a ski mask, woke her up and she felt scared. Her sister was also woken up, and they were told to go to the complainant's bedroom. When M.C. entered the complainant's bedroom, there were two men in the bedroom—"[o]ne of them was medium size[d], . . . wearing all black with . . . a mask" and the other man was tall and wearing "all black" and a ski mask. M.C. and her sister went to sit with the complainant on the floor, and the men looked through the drawers and the closet "to find things." The third man went back to M.C.'s bedroom to search in there. The men asked "[w]here w[ere] the drugs and where was the money," and M.C. told them that they did not have any narcotics or money.

Because the men thought that she knew where narcotics and money were hidden in the home, they separated M.C. from her mother and sisters. One of the

men "popp[ed] [a] belt in front of [M.C.'s] face" and demanded that she reveal the location of "all the drugs." At some point, M.C. heard the men say that "somebody had called the cops," and they fled the house with jewelry and money.

Vasquez testified that on August 4, 2015, she lived with Puente in a garage apartment behind the complainant's house. Around 2:00 a.m., she was asleep in the garage apartment when she awoke to a noise of someone "knock[ing] down a dresser" in the apartment. Vasquez saw a "short and chunky" man pointing a firearm at Puente. The man also pointed the firearm at Vasquez. Two other "skinny" men were in the garage apartment as well. And the men, who were all wearing masks, said that "they were looking for money." The men tied Puente up on the bed with an electrical cord, and at some point, they grabbed Ontivares by the hair and pushed her into Vasquez's garage apartment. The men said that if Vasquez and Puente did not "give them the money," then "they were going to chop [Ontivares's] hand off." The men took Vasquez's rings and wallet and Puente's necklace and left when law enforcement officers arrived. The next day, Vasquez found a firearm and vest on the complainant's property.

Puente testified that on August 4, 2015, she lived with Vasquez in a garage apartment behind the complainant's house. Around 2:00 a.m., she was sleeping when she heard someone "asking for money, jewelry, and drugs." She woke up when a firearm was put to her head. Puente saw two men wearing masks, and one

of the men was wearing a vest. The man who pointed the firearm at her head was "medium height" and a "bit chunky." The second man was skinnier. One of the men forced Puente to lay on her stomach on the bed, and he tied her hands with an electrical cord while the other man rummaged through her belongings. Puente felt scared. The men did not find money or narcotics in the garage apartment. At some point, Ontivares was brought into the garage apartment by the men, but Puente could not see her, she could only hear her. One of the men said, related to Ontivares, "Let's go ahead and cut the hands or the fingers," because Ontivares had said that law enforcement officers were coming. Eventually, the men left the garage apartment. According to Puente, after the men left, she discovered that the door to the garage apartment had been damaged.

Houston Police Department ("HPD") Officer E. Scheibe testified that on August 4, 2015, she and her partner, HPD Officer D. Flores, were dispatched to the complainant's home in Harris County, Texas in response to a "home[-]invasion" call involving "multiple suspects." As Scheibe and Flores arrived at the scene, they immediately spotted the suspects' car, and Scheibe maneuvered her patrol car to prevent the suspects' car from passing. The suspects' car ended up in "a very steep ditch and got stuck." And at least four suspects exited the car and began fleeing on foot. Flores apprehended one suspect whom Scheibe identified as Simon Saldana. Other responding law enforcement officers located four or five other men who had

also fled.[2] Inside the suspects' car, law enforcement officers found battering rams, ski masks, bulletproof vests, and a firearm. Saldana had a magazine for a firearm in his pocket.

Saldana testified that he participated in the August 4, 2015 aggravated robbery at the complainant's house along with five other men. He and the men rode together in a black sport utility vehicle ("SUV") to the complainant's house. Appellant, who Saldana knew as "Gato," was one of the five other men in the SUV with Saldana.[3] Saldana and the five other men had been planning on "rob[bing] somebody" at the complainant's house because they thought that the house was involved in narcotics trafficking. According to Saldana, they did not expect to find women living there.

Saldana stated that when the SUV arrived at the complainant's house, everyone got out and he was "pretty sure" that appellant got out of the SUV. Saldana was also "pretty sure" that each of the men had a firearm with him during the aggravated robbery, including appellant. Three men went into the complainant's house and three men went into the garage apartments; all of the men wore ski masks and some of the men wore bulletproof vests. Saldana went into the complainant's

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2 Other law enforcement officers testified that a total of four men were arrested on the night of the aggravated robbery.

3 Saldana identified appellant at trial as the person he knew as "Gato."

house with two other men that he identified as "Nyna" and "Nito." Saldana believed that appellant was involved in the aggravated robbery of the garage apartments.

Saldana further testified that the men searched for money and narcotics in the complainant's house but did not find anything. And they left because law enforcement officers "were on their way." Although the men got back in their SUV and tried to leave the scene, the SUV "fell in [a] ditch." When Saldana then tried to exit the SUV and flee, he fell and twisted his ankle and was arrested by law enforcement officers.

During his testimony, Saldana viewed a copy of a videotaped surveillance recording from the complainant's house, which the trial court had admitted into evidence. Saldana identified a man in the recording that he believed to be appellant based on his weight. According to Saldana, appellant was the only heavyset man in the group. Saldana denied that the men would have knowingly allowed appellant to come along with them on August 4, 2015 if he was not going to participate in the aggravated robbery, and he also denied that any of the men were intoxicated during the aggravated robbery. Further, Saldana did not recall that any of the men "froze" and refused to participate in the aggravated robbery. On cross-examination, Saldana admitted that he had told law enforcement officers that he did not recognize appellant from a photograph shown to him after he was arrested.

Officer Flores testified that on August 4, 2015, while on patrol, he and his partner, Officer Scheibe, were dispatched to the complainant's home in response to a call for an "in progress" "home invasion." As the officers neared the complainant's house in their patrol car, they saw "a large SUV with several males inside heading directly towards" them. The SUV then stopped, reversed, and eventually ended up in a ditch. All the men in the SUV exited and began fleeing on foot. Flores was able to detain Saldana, who was crawling out of the ditch, but four or five other suspects fled. Law enforcement officers found two homemade battering rams, a firearm, body armor, and a mask in the SUV.

Officer Flores also testified that at some point that night he approached the complainant's house and found a shoe in the driveway. Flores also assisted in a search of the field behind the complainant's house, where he and another law enforcement officer found and arrested appellant. Appellant was limping and wearing only one shoe when he was found. And the shoe that appellant was wearing matched the shoe that Flores had found in the driveway of the complainant's home. Another law enforcement officer testified that a wallet found near where appellant was arrested belonged to Vasquez and a pair of black gloves and a black shirt were found in the same area.

Vanessa Fuentes, appellant's wife, testified that on August 3, 2015—the evening before the aggravated robbery—she and appellant had an argument because

he was intoxicated when he arrived home from work. Appellant left their home around 9:00 p.m., and she did not hear from him again until after she learned of his arrest the next day. Fuentes noted that in 2015 appellant would have been considered "heavy."

Appellant testified that on August 3, 2015, he had been drinking after work and arrived home about 7:00 p.m. He and Fuentes then got into an argument, and he left their home to avoid arguing with Fuentes. Appellant asked a man he did not know well from work, "Nyna," to pick him up so they could go drink beer. Nyna picked appellant up in his black SUV—the same SUV used in the aggravated robbery of the complainant's home. Nyna was with "Miguel," another man appellant knew from work and who was among the men arrested after the aggravated robbery, and the three men went to drink together in a parking lot until appellant asked for a ride home. Nyna refused to take appellant home before he picked up Saldana and another man known by the name "Ruidoso." Appellant stated that he eventually "fell prey to the alcohol" and fell asleep in the SUV without his shoes on.

Appellant was later awakened by an "impact from the [SUV]." He noticed law enforcement officers, and he ran with the other men who were fleeing on foot away from the SUV. As he ran, appellant attempted to put his shoes back on, but he lost one shoe. According to appellant, he hid from law enforcement officers "in the grass." And when officers found him, appellant stated that he "was drunk and that

[he] didn't know a thing." He denied that he was one of the men on the videotaped surveillance recording from the complainant's house. Appellant identified the heavyset man seen on the videotaped surveillance recording as a man named "Shaggy."

Standard of Review

We review the trial court's ruling on the admission of evidence for an abuse of discretion. *Tillman v. State*, 354 S.W.3d 425, 435 (Tex. Crim. App. 2011); *Walker v. State*, 321 S.W.3d 18, 22 (Tex. App.—Houston [1st Dist.] 2009, pet. dism'd). A trial court abuses its discretion if it acts arbitrarily, unreasonably, or without reference to any guiding rules or principles. *Montgomery v. State*, 810 S.W.2d 372, 380 (Tex. Crim. App. 1990). We will uphold an evidentiary ruling unless it falls outside the "zone of reasonable disagreement." *Tillman*, 354 S.W.3d at 435.

Generally, the erroneous admission of evidence is non-constitutional error, subject to a harm analysis. *Coble v. State*, 330 S.W.3d 253, 280 (Tex. Crim. App. 2010); *Robinson v. State*, 236 S.W.3d 260, 269 (Tex. App.—Houston [1st Dist.] 2007, pet. ref'd). Non-constitutional error requires reversal only if it affects the accused's substantial rights. *See* TEX. R. APP. P. 44.2(b); *Barshaw v. State*, 342 S.W.3d 91, 93–94 (Tex. Crim. App. 2011). The accused's substantial rights are affected "when the error had a substantial and injurious effect or influence in determining the jury's verdict." *King v. State*, 953 S.W.2d 266, 271 (Tex. Crim.

App. 1997). We will not overturn a criminal conviction for non-constitutional error if we have fair assurance that the error did not influence the jury or had but a slight effect. *Barshaw*, 342 S.W.3d at 93–94.

Admissibility of Evidence

In his sole issue, appellant argues that the trial court erred in admitting certain evidence that he had forfeited his bond by failing to appear at court proceedings for this case because the "State did not provide evidence tending to show [that his] failure to appear reflected flight." Appellant asserts that although "it is well established that the State may use evidence of flight" against him at trial, the State may not use evidence of a failure to appear in the same way, as flight is distinct "in language and in the law" from non-appearance. The State asserts that bond-forfeiture evidence is admissible as evidence tending to show flight and, by inference, a consciousness of guilt.

During the State's cross-examination of Fuentes, appellant's wife, at trial, the prosecutor approached the trial court to inform it and appellant's trial counsel that the State was going to question Fuentes about whether appellant forfeited his bond by failing to appear in the court proceedings for his case for almost three years. The prosecutor stated: "Judge, [appellant] absconded after his arrest after bonding out. I intend to begin asking [Fuentes] if she knew of his whereabouts between [August 25,] 2015 and [June 22,] 2018 when he was apprehended." Appellant's trial counsel

objected that such bond-forfeiture evidence was inadmissible extraneous-offense evidence under Texas Rule of Evidence 404.[4]

Before ruling on appellant's objection, the trial court conducted an admissibility hearing outside the jury's presence. During the hearing, Fuentes confirmed that she was aware of the aggravated robbery charge against appellant and that appellant had lived with her from August 5, 2015—when appellant was charged with the offense of aggravated robbery—until trial. She stated that she was unaware that appellant was required to appear in court during that time and that any failure to appear on his part between August 2015 and June 2018 was due to a mistaken belief that his case had been resolved. Fuentes acknowledged that she and appellant "moved a lot" during the relevant time period, but she denied that the frequent moves were to avoid criminal liability or that appellant misled her about the status of his case.

After Fuentes testimony during the admissibility hearing, appellant's trial counsel again objected that the bond-forfeiture evidence that the State was seeking to admit suggested that "[appellant] was committing bail jumping" and concerned "an inadmissible extraneous offense that did not happen at the same time that [the

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[4] The relevant portion of Texas Rule of Evidence 404 provides, with certain enumerated exceptions, that evidence "of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character." TEX. R. EVID. 404(b)(1).

aggravated robbery] happened" and "would be a completely separate offense." *See* TEX. R. EVID. 404(b). Appellant's trial counsel also objected that the bond-forfeiture evidence was unfairly prejudicial under Texas Rule of Evidence 403[5] because the jury already had heard testimony that appellant fled from law enforcement officers after the aggravated robbery and was ultimately found by officers in a field near the complainant's home. *See* TEX. R. EVID. 403. In response to appellant's objection, the prosecutor stated:

> I want to address the [Texas Rule of Evidence] 403 balancing test. No. 1, I think the flight from apprehension of the offense, that was still at the time of the offense and that would have been admissible as evidence proving identity. It was how [appellant] was caught, it tends to show involvement in the case.
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> The bond forfeiture, the bail jumping, becomes probative because it shows a continued cognizance of guilt at that point. It shows . . . [appellant's] attempts to avoid being brought to justice. Additionally, . . . the fact that he bonded out and showed up to two settings shows that he had to put some time and thought into skipping his bond, that he thought about it. It shows cognizance. He was aware of where he was supposed to be and when he was supposed to come back. It shows lack of mistake as far as the bond forfeiture is concerned.

The trial court overruled appellant's objections to the bond-forfeiture evidence that the State sought to admit, concluding that the bond-forfeiture evidence's probative

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[5] Texas Rule of Evidence 403 permits a court to "exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, or needlessly presenting cumulative evidence." TEX. R. EVID. 403.

value on the identity and intent elements of the offense of aggravated robbery outweighed any prejudicial effect.

The State then elicited certain testimony from Fuentes about appellant's bond forfeiture. Fuentes testified that she did not remember the address of the home where she and appellant lived at the time of his arrest in 2015 because they had "moved many times." She also testified that she was aware of the aggravated robbery charge against appellant and she believed that the charge had been dismissed. She attributed her mistaken belief to "ignorance" and denied that anyone had told her appellant's case was no longer pending. Before Fuentes answered the question of whether she was aware that appellant had "failed to appear in court to answer for the[] [aggravated robbery] charges" between August 2015 and June 2018, the trial court gave the jury the following limiting instruction:

> If there is any evidence before you in this case regarding [appellant's] committing an alleged offense or offenses other than the offense alleged against him in the indictment in this case, you cannot consider such evidence for any purpose unless you find and believe beyond a reasonable doubt that [appellant] committed such other offense or offenses, if any, and even then you may only consider the same in determining the intent and/or identity, if any, of [appellant] in connection with the offense, if any, alleged against him in the indictment and for no other purpose.[6]

Within the context of this limiting instruction, Fuentes stated that she was unaware that appellant had failed to appear at any court proceedings related to his case. And

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6 The trial court gave the same instruction in its charge to the jury.

she believed that appellant had been "coming to court" because that was what he told her. She and appellant moved their family three or four times between 2015 and 2018 because of "expired lease[] [agreements]."

The trial court also admitted into evidence, over appellant's objection, several State exhibits related to appellant's bond forfeiture. These exhibits included copies of the bond paperwork signed by appellant on August 5, 2015, two reset forms signed by appellant for court proceedings in August and September 2015, an alias capias warrant issued in September 2015 in connection with appellant's bond forfeiture, and a June 2018 arrest warrant for appellant. The case reset forms included language noting that one reason for the reset was to allow appellant to retain counsel.

On appeal, appellant complains of the trial court's admission of the State's bond-forfeiture evidence—the testimony that the State elicited from Fuentes and the State's exhibits. However, appellant also testified, during his direct examination, about his failure to appear for court proceedings between August 2015 and June 2018. According to appellant, he was not represented by counsel at the time of the August and September 2015 court proceedings and he believed that he would be arrested if he appeared in court unrepresented. He "had three chances to get an attorney and . . . didn't have the money to hire one." While he did not attend any court proceedings related to the aggravated robbery charge for a period of nearly

three years, he stated that he was "working and saving every dollar." He denied that he and Fuentes moved between 2015 and 2018 to prevent law enforcement officers from finding him.

Texas Rule of Evidence 404(b) provides that evidence of "other crimes, wrongs, or acts" is not admissible to prove the character of a person in order to show that he acted in conformity therewith. TEX. R. EVID. 404(b)(1). Such evidence may, however, be admissible for other purposes. TEX. R. EVID. 404(b)(2). For example, the Court of Criminal Appeals has determined that criminal acts "designed to reduce the likelihood of prosecution, conviction, or incarceration for the offense on trial are admissible under Rule 404(b) as showing consciousness of guilt." *Ransom v. State*, 920 S.W.2d 288, 299 (Tex. Crim. App. 1994) (internal quotations omitted); *see also* TEX. PENAL CODE ANN. § 38.10(a) (failure to appear is criminal act). Such acts include bond forfeiture or "bail jumping." *See Ransom*, 920 S.W.2d at 299; *Byrd v. State*, No. B14-88-00479-CR, 1989 WL 97747, at *2 (Tex. App.—Houston [14th Dist.] Aug. 24, 1989, no pet.) (not designated for publication) (courts "have traditionally permitted proof that the accused forfeited his bond as tending to prove flight, which may be probative of guilt").

For instance, in *Cantrell v. State*, 731 S.W.2d 84 (Tex. Crim. App. 1987), the defendant was arrested for the offense of aggravated robbery and released on bond. 731 S.W.2d at 85. The defendant then forfeited the bond and was arrested a second

time on the forfeiture. *Id.* In considering whether the trial court erred by admitting evidence that the defendant had a firearm with him at the time of his second arrest, the Court stated: "The forfeiture of an accused's bail bond may be proved as tending to show flight. And flight, in the context of bail-jumping, may be construed as evidence of guilt." *Id.* (internal citations omitted). Although the bond-forfeiture evidence itself was not contested—appellant challenged the admissibility of the firearm—the Court held that the trial court did not err in admitting evidence of the firearm found in the defendant's possession at the time of his second arrest because caselaw allowed the admission of "evidence of flight and permitt[ed] the showing of the circumstances surrounding the arrest of a defendant[.]" *Id.*

Cantrell was preceded by a line of cases allowing evidence of bond forfeiture resulting from a defendant's failure to appear. *See, e.g.*, *Wockenfuss v. State*, 521 S.W.2d 630, 631–32 (Tex. Crim. App. 1975) (upholding admission of evidence appellant forfeited bond by failing to appear); *Aguilar v. State*, 444 S.W.2d 935, 938 (Tex. Crim. App. 1969); *Guajardo v. State*, 378 S.W.2d 853, 855–56 (Tex. Crim. App. 1964); *Tindall v. State*, 172 S.W.2d 328, 331–32 (Tex. Crim. App. 1943). And this Court has previously recognized this jurisprudence as "well settled." *See Jones v. State*, No. 01-04-00181-CR, 2005 WL 1252201, at *4 (Tex. App.—Houston [1st Dist.] May 26, 2005, pet. ref'd) (mem. op., not designated for publication) ("[I]t is well settled that a defendant's failure to appear at a previous setting of his case and

the forfeiture of his bond is properly admissible as evidence to show flight, which can be construed as inferential evidence of guilt.").

Appellant acknowledges that the cases preceding *Cantrell*, and cited therein without disapproval or distinction, do not require any predicate showing that a defendant ran away or fled the criminal charges against him before bond-forfeiture evidence may be admitted at trial. And both this Court and our sister appellate court have rejected the approach urged by appellant. *See, e.g.*, *Byrd*, 1989 WL 97747, at *2 ("other purposes" exception of Texas Rule of Evidence 404(b) allowed failure-to-appear evidence without "other evidence of consciousness of guilt or flight as a prerequisite to admissibility"); *Slater v. State*, No. 01-86-00836-CR, 1987 WL 30733, at *1 (Tex. App.—Houston [1st Dist.] Dec. 24, 1987, pet. ref'd) (not designated for publication) (rejecting argument admission of bond-forfeiture evidence depended on more than proof of missed court appearance).

But appellant asserts that the cases predating *Cantrell* are "outdated" and contrary to *Cantrell*, which, in his view, changed the admissibility standard for bond-forfeiture evidence to require the State to present additional evidence of flight before any evidence of a defendant's failure to appear could be admitted. Appellant reads the Texas Court of Criminal Appeals's instruction in *Cantrell* that bond forfeiture "*may* be proved as tending to show flight" to mean that bond forfeiture *must* be proved as tending to show flight. *See* 731 S.W.2d at 93 (emphasis added).

And appellant urges that the evidence of bond forfeiture in this case was inadmissible given his testimony that he did not "run[] away" from the charge against him, but instead failed to appear at certain court proceedings because he could not afford counsel and feared that he would be arrested if he appeared unrepresented.

We disagree with appellant's reading of *Cantrell*. Neither *Cantrell* nor any other case cited by appellant requires a showing of flight as the reason for a defendant's bond forfeiture before bond-forfeiture evidence may be admitted at trial.

This conclusion is consistent with the Court of Criminal Appeals's more recent holding in *Cruz-Garcia v. State*, No. AP-77,025, 2015 WL 6528727 (Tex. Crim. App. 2015) (not designated for publication). There, the trial court allowed a law enforcement officer to testify that, about one week after a murder took place, the defendant failed to appear for a court proceeding in an unrelated criminal matter. 2015 WL 6528727 at *17. The Court of Criminal Appeals held that the evidence of the defendant's failure to appear and bond forfeiture was admissible under Texas Rule of Evidence 404(b) for a purpose other than to show conformity with a general criminal disposition. *Id.* at *19. The timing of the defendant's bond forfeiture supported the trial court's conclusion that the forfeiture "was motivated by a desire [of the defendant] to reduce the likelihood of arrest and prosecution for [the] murder." *Id.*

Here, the State presented testimony and exhibits showing that appellant was released on bond after being arrested for the aggravated robbery of the complainant's home, appellant failed to appear at a number of court proceedings for nearly three years, and appellant was eventually arrested on forfeiture of the bond. The State also presented evidence that appellant misled Fuentes about the status of his case by telling her that the case was dismissed or that he was attending court proceedings and that he moved with his family several times during the three years in which he failed to appear. Although there is other evidence that appellant avoided the court proceedings in this case because he did not have counsel and not because he was fleeing the criminal charge, on this record, and considering the pertinent caselaw, we conclude that the trial court reasonably could have determined that appellant's bond forfeiture was "motivated by a desire to reduce the likelihood of prosecution, conviction, or incarceration" for the aggravated-robbery offense and that the bond-forfeiture evidence was admissible under Texas Rule of Evidence 404(b) as evidence of a consciousness of guilt. *See Cruz-Garcia*, 2015 WL 6528727, at *17–19; *Cantrell*, 731 S.W.2d at 93. No additional showing by the State of flight was required for the State's bond-forfeiture evidence to be admitted at trial. *See Byrd*, 1989 WL 97747, at *1–2; *Slater*, 1987 WL 30733, at *1. Thus, we hold that the trial court did not err in admitting into evidence the complained-of bond-forfeiture evidence.

We overrule appellant's sole issue.

Conclusion

We affirm the judgment of the trial court.

Julie Countiss
Justice

Panel consists of Justices Goodman, Hightower, and Countiss.

Do not publish. Tex. R. App. P. 47.2(b).