



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00157-CR

Juan Francisco **HUERTA**, Jr.
Appellant

v.

The **STATE** of Texas,
Appellee

From the 226th Judicial District Court, Bexar County, Texas
Trial Court No. 2016CR3865
Honorable Dick Alcala, Judge Presiding

Opinion by: Sandee Bryan Marion, Chief Justice

Sitting: Sandee Bryan Marion, Chief Justice
Marialyn Barnard, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: November 8, 2017

AFFIRMED

Juan Francisco Huerta, Jr. was convicted by a jury of the murder of Abraham Villalobos and sentenced to thirty years' imprisonment. On appeal, Huerta challenges the sufficiency of the evidence to support his conviction "because the witnesses were probably too intoxicated at the time of the murder to remember it." We affirm the trial court's judgment.

BACKGROUND

In his brief, Huerta discounts the testimony of the witnesses present during his altercation with Abraham because the witnesses were intoxicated. The following summarizes two of those witnesses' testimony.

Jose Villalobos, Abraham's younger brother, testified his girlfriend, Shantey Sanchez, his girlfriend's sister May, and Huerta were all living at his house the night Abraham was killed. At the time, May was dating Huerta, but she previously dated Abraham. Jose, Shantey, May, and Huerta were at home on February 29, 2016, when Abraham stopped by to visit. After about twenty minutes, Huerta and Abraham began arguing. Jose testified Shantey was in the kitchen when the argument started. Jose heard Abraham telling Huerta something about Huerta looking at Matilda, Abraham's girlfriend, who was not present at that time. Jose grabbed Abraham and pulled him down on the couch beside him. A short time later, Abraham got back up from the couch, approached Huerta, and again asked Huerta about his looking at Matilda. Jose again grabbed Abraham and told him to sit down or go home. Abraham picked up his box of beer and went out the front door to his car. Shantey followed Abraham to his car while Jose followed them to the end of the patio. May and Huerta remained inside the house. Abraham started his car and began to drive away. When Abraham saw Huerta in the doorway, however, he drove back into the driveway, and Huerta ran towards the driver's side of Abraham's car. Abraham tried to open the door, but Huerta used his knee to keep the door closed. Jose testified Huerta appeared to be punching Abraham through the open window while Abraham was defending himself and trying to hit Huerta back. Jose did not see a knife, but Shantey told Jose that Abraham was bleeding. After Huerta stopped punching Abraham, Huerta ran back inside the house. Jose went inside and asked Huerta why he stabbed Abraham. Huerta did not respond but looked scared.

Shantey testified she heard Abraham saying something to Huerta but she could not recall the interaction. She later recalled Abraham was arguing with Huerta about Huerta looking at Matilda. Shantey testified she was in the living room during the argument. She remembered Jose telling Abraham to leave because he was arguing with Huerta. She also remembered Abraham reversing out of the driveway and then pulling back into the driveway; however, Shantey testified she remained inside the house. Shantey saw Huerta run out the front door and saw Huerta punching Abraham who was still inside his car. She did not see Huerta with a knife. She told Jose that Abraham and Huerta were fighting, but Jose and May remained seated. When Shantey approached the car, Abraham told her he had been stabbed. Huerta was standing by the car. When Shantey asked Huerta what he did to Abraham, Huerta did not respond, but his hands were full of blood. Shantey called 911 and did not notice where Huerta went.

Abraham died as a result of the stab wounds, and the jury convicted Huerta of murder.

STANDARD OF REVIEW

In evaluating the legal sufficiency of the evidence, we consider the evidence in the light most favorable to the verdict and determine whether, based on the evidence and reasonable inferences therefrom, any rational trier of fact could have found the defendant guilty of all of the elements of the offense beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Johnson v. State*, 509 S.W.3d 320, 322 (Tex. Crim. App. 2017). Under this standard, we defer to the jury's weighing of the evidence and its assessment of credibility. *Balderas v. State*, 517 S.W.3d 756, 766 (Tex. Crim. App. 2016); *Winfrey v. State*, 393 S.W.3d 763, 768 (Tex. Crim. App. 2013). We also defer to the jury's ability to "draw reasonable inferences from basic facts to ultimate facts." *Hooper v. State*, 214 S.W.3d 9, 13 (Tex. Crim. App. 2007) (quoting *Jackson*, 443 U.S. at 318-19). In drawing inferences from the evidence, the jury "may use common sense and apply

common knowledge, observation, and experience.” *Acosta v. State*, 429 S.W.3d 621, 625 (Tex. Crim. App. 2014).

DISCUSSION

On appeal, Huerta argues Jose’s and Shantey’s testimony is insufficient to support his conviction because they “were probably too intoxicated at the time of the murder to remember it.” Huerta focuses on Officer Vincent Giardino’s testimony that Jose appeared very intoxicated and Shantey also had been drinking. Huerta also focuses on evidence that conflicts with Jose’s and Shantey’s testimony including Officer Giardino’s report that Jose was the only witness and that the argument between Huerta and Abraham was about Abraham looking at May.

As previously noted, we defer to the jury’s weighing of the evidence and its assessment of credibility. *Balderas*, 517 S.W.3d at 766; *Winfrey*, 393 S.W.3d at 768. Although conflicting evidence was presented, the jury could have believed Jose’s and Shantey’s testimony regarding the manner in which Huerta stabbed Abraham especially given the other testimony that supported their version of the events.

When the investigating officers arrived at the scene, they found Abraham fully seated in his car as if intending to drive off. The photographs show a lot of blood on the inside of the driver’s side door and the left side of the driver’s side seat from Abraham’s wounds; however, very little blood was outside the car. From this evidence, the jury could have inferred that Huerta stabbed Abraham through the open window of the car while the door was closed especially given the minimal amount of blood on Huerta’s clothing and arm. That blood matched Abraham’s blood. In addition, the medical examiner testified Abraham’s stab wounds were consistent with him being stabbed through an open window while seated in a car by a person standing outside the car. Although a closed pocketknife was found clipped to Abraham’s belt and another knife was found underneath Abraham when he was removed from the car, the medical examiner testified Abraham

had two defensive cut wounds on his left arm which was closest to the location where Huerta would be standing, while Huerta was not injured. Finally, Huerta gave inconsistent statements during his interview, but admitted stabbing Abraham. *See Guevara v. State*, 152 S.W.3d 45, 50 (Tex. Crim. App. 2004) (noting inconsistent statements are circumstances of guilt). Huerta also fled the scene after the stabbing and told the officers who detained him that he stabbed Abraham and threw away the knife. *See Clayton v. State*, 235 S.W.3d 772, 780 (Tex. Crim. App. 2007) (noting “factfinder may draw an inference of guilt from the circumstance of flight”); *Guevara*, 152 S.W.3d at 50 (noting attempts to conceal incriminating evidence is a circumstance of guilt). Although Huerta provided the officers with various locations where he might have thrown the knife, the knife was never recovered, and one officer testified “it seemed as though [Huerta] was just sending me on a wild goose chase.”

Having reviewed the record as a whole and deferring to the jury’s evaluation of the credibility of the witnesses and the inferences to be drawn from the evidence, we hold the evidence is sufficient to support Huerta’s conviction.

CONCLUSION

The judgment of the trial court is affirmed.

Sandee Bryan Marion, Chief Justice

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