



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-22-00738-CR

The **STATE** of Texas,
Appellant

v.

Ivan **GALINDO-CHAVEZ**,
Appellee

From the 49th Judicial District Court, Zapata County, Texas
Trial Court No. 11,799
Honorable Jose A. Lopez, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Rebeca C. Martinez, Chief Justice
Luz Elena D. Chapa, Justice
Beth Watkins, Justice

Delivered and Filed: October 4, 2023

AFFIRMED

The State appeals the trial court's order granting Ivan Galindo-Chavez habeas relief. We affirm the trial court's order.

BACKGROUND

As part of Operation Lone Star ("OLS"), Galindo-Chavez, a noncitizen, was arrested for trespassing on private property in Zapata County. He filed an application for writ of habeas corpus seeking dismissal of the criminal charge based on a violation of his state and federal rights

to equal protection. Specifically, Galindo-Chavez argued the State of Texas was engaging in selective prosecution because only men were being charged with misdemeanor criminal trespass.

On September 14, 2022, the trial court held a hearing and heard testimony from Claudia Molina of the Lubbock Private Defender's Office ("LPDO"), who testified Galindo-Chavez had been arrested on August 5, 2022 for criminal trespass as part of OLS. According to Molina, she was unaware of any women who have been prosecuted for misdemeanor trespass as part of OLS, and based on a report concerning OLS cases with appointed counsel through the LPDO, none of the five thousand trespass cases involved women. The trial court granted Galindo-Chavez's requested relief, and the State appealed.

DISCUSSION

The habeas proceeding in this appeal occurred concurrently with the proceeding we reviewed in *State v. Del Campo-Chavez*, No. 04-22-00737-CR, 2023 WL 4916433, at *1 (Tex. App.—San Antonio Aug. 2, 2023, no pet. h.). On appeal, the State is asserting the same arguments it asserted in that appeal. *See id.* at *2–3. Because this appeal involves the same arguments and same evidentiary record as *State v. Del Campo-Chavez*, for the reasons explained in that opinion, we affirm the trial court's order granting habeas relief. *See id.*

Luz Elena D. Chapa, Justice

Do Not Publish