

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00217-CR

RHONDA LYNN CASTILAW, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 253rd District Court
Liberty County, Texas
Trial Cause No. CR28041

MEMORANDUM OPINION

Appellant Rhonda Lynn Castilaw pleaded guilty without a plea bargain agreement to aggravated assault with a deadly weapon. The trial court sentenced Castilaw to twenty years of confinement. Castilaw then filed this appeal, in which she contends in a single issue that the evidence was legally insufficient to support her conviction. We affirm the trial court's judgment.

Castilaw was indicted for intoxication manslaughter with a vehicle and aggravated assault with a deadly weapon. The aggravated assault count of the indictment alleged that Castilaw recklessly caused serious bodily injury to the victim by driving a motor

vehicle into the victim's vehicle, and that Castilaw's vehicle was a deadly weapon. The State abandoned the intoxication manslaughter count, and Castilaw then pleaded guilty to aggravated assault with a deadly weapon. When Castilaw pleaded guilty, she signed written plea admonishments, in which she averred as follows: "I have read the charging instrument and my attorney has explained it to me[,] and I committed each and every element alleged. I swear, under oath, that I am guilty of the offense set out therein and all lesser included offenses charged against me."

After Castilaw pleaded guilty, the trial judge stated, "I find that she's competent to stand trial, and further that her plea is freely and voluntarily given, and I'll hear the evidence from the State." The State then offered into evidence Castilaw's written judicial confession from the plea admonishments and rested its case. Defense counsel then asked Castilaw questions concerning her intention to plead guilty to aggravated assault with a deadly weapon, and the possible punishments she could face. Immediately before the hearing concluded, the trial court asked defense counsel whether he objected to the court "making the finding today[,] and defense counsel replied, "We are requesting deferred [adjudication], so we ask [that] you make no finding today." The trial judge said, "Okay[,] and defense counsel pointed out that a pre-sentence investigation report had been ordered and a "sentencing hearing" had been scheduled.

During the sentencing hearing, defense counsel referred to the proceeding as a "sentencing hearing[,] and he requested to "put a couple of things on the record before

we start with the sentencing hearing.” The trial court also referred to the proceeding as “sentencing[.]” Defense counsel then took Castilaw on voir dire and questioned her regarding her decision to plead guilty and her understanding of the potential punishment for the offense. The State called the victim’s daughter, the probation officer who conducted the pre-sentence investigation of Castilaw, one of the victim’s co-workers, and the DPS officer who investigated the crash. Defense counsel called Castilaw’s pastor, aunt, sister, and Castilaw. At the conclusion of the hearing, the trial judge stated, “I find that the evidence supports a finding [of] guilt, and I do find you guilty of the offense as charged.” The trial court then sentenced Castilaw to twenty years of confinement, and Castilaw filed this appeal.

In her sole appellate issue, Castilaw contends the evidence was legally insufficient to support her conviction. Specifically, Castilaw argues that because the trial court did not explicitly indicate acceptance of her guilty plea before receiving evidence, the Court was bound by the evidence adduced by the State during the hearing. *See generally* Tex. Code Crim. Proc. Ann. art. 1.15 (West 2005) (requiring the State to introduce evidence “showing” the defendant’s guilt when the defendant pleads guilty). Castilaw asserts that the evidence adduced by the State was legally insufficient to show that she acted recklessly.

“The entry of a valid guilty plea ‘has the effect of admitting all material facts alleged in the formal criminal charge.’” *Tijerina v. State*, 264 S.W.3d 320, 322-23 (Tex.

App.—San Antonio 2008, pet. ref'd) (quoting *Ex parte Williams*, 703 S.W.2d 674, 682 (Tex. Crim. App. 1986)). When a defendant enters a valid plea of guilty in a bench trial, the State is not required to prove guilt beyond a reasonable doubt. *Id.* Instead, the State is only required to support the guilty plea with evidence. *Id.*; Tex. Code Crim. Proc. Ann. art. 1.15. It is well settled that a judicial confession, standing alone, is sufficient to sustain a conviction upon a guilty plea. *Dinnery v. State*, 592 S.W.2d 343, 353 (Tex. Crim. App. 1979) (op. on reh'g); *see also Potts v. State*, 571 S.W.2d 180, 182 (Tex. Crim. App. [Panel Op.] 1978); *Menefee v. State*, 287 S.W.3d 9, 14 (Tex. Crim. App. 2009). “In other words, a judicial confession satisfies the State’s burden under article 1.15.” *Tijerina*, 264 S.W.3d at 324.

As previously discussed, Castilaw signed a judicial confession, in which she swore that she was guilty of each element of the offense, and the indictment alleged that Castilaw acted recklessly. The judgment reflects that Castilaw pleaded guilty. We indulge every presumption in favor of the regularity of the proceedings and documents in the trial court. *Light v. State*, 15 S.W.3d 104, 107 (Tex. Crim. App. 2000). The reporter’s record indicates that the trial court was ready at the end of the plea hearing to make a finding of guilt, but did not do so at Castilaw’s request, because Castilaw sought deferred adjudication. In addition, the record reflects that both the trial judge and defense counsel referred to the hearing that took place after the plea hearing as a sentencing hearing. The record does not support Castilaw’s argument that the trial judge’s

acquiescence to her request not to formally accept her plea and find her guilty at the plea hearing meant that the trial court intended to require the State to present additional evidence of guilt before accepting her plea. Castilaw's judicial confession is sufficient evidence that she committed each element of the charged offense. *See Dinnery*, 592 S.W.2d at 353; *Potts*, 571 S.W.2d at 182; *Tijerina*, 264 S.W.3d at 324. Accordingly, we overrule Castilaw's sole issue and affirm the trial court's judgment.

AFFIRMED.

STEVE McKEITHEN
Chief Justice

Submitted on May 9, 2011
Opinion Delivered May 18, 2011
Do Not Publish

Before McKeithen, C.J., Gaultney and Horton, JJ.