



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-21-00179-CR

CHANCE COPELAND, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 364th District Court
Lubbock County, Texas
Trial Court No. 2019-417,625, Honorable William R. Eichman, II, Presiding

June 2, 2022

MEMORANDUM OPINION

Before QUINN, C.J., and PARKER and DOSS, JJ.

Chance Copeland appealed his conviction for murder. Two issues pend before us. The first involves the absence of an unrequested accomplice-witness instruction. The second concerns the lack of statutory admonitions being given Copeland after law enforcement heeded his request to speak with a detective while incarcerated. Both purportedly warrant reversal. We affirm.

Accomplice-Witness Instruction

Two individuals present with Copeland at the scene of the shooting testified, allegedly inculcating him. They were accomplices, according to Copeland. Such allegedly obligated the trial court to submit an accomplice-witness instruction, despite one not being requested by him. Assuming the absence of the instruction constituted error, it was harmless.

Another witness whom Copeland did not consider an accomplice also spoke at trial. She testified to (1) Copeland pointing a firearm at her while sitting in a white Cadillac with him, (2) her exiting that car and entering an adjacent Jeep in which the eventual decedent sat, (3) Copeland and three others who were in the Cadillac surrounding the Jeep, (4) Copeland discharging his firearm thrice, and (5) the decedent's head "go[ing] back." A security camera video also captured the incident. Moreover, another non-accomplice witness identified Copeland as the person in video wearing dark shorts and a red-colored shirt, drawing an object from the front of those shorts, pointing it at the car as it drove from the parking spot, and firing.

Simply put, any harm from the trial court's supposed default must be egregious; that is, "[I]f the omission is not made known to the trial judge . . . appellate review must inquire whether the jurors would have found the corroborating evidence so unconvincing in fact as to render the State's overall case for conviction clearly and significantly less persuasive." *Casanova v. State*, 383 S.W.3d 530, 533 (Tex. Crim. App. 2012) (quoting *Saunders v. State*, 817 S.W.2d 688, 692 (Tex. Crim. App. 1991) (en banc)). The corroborating evidence mentioned above was not so unconvincing as to render the State's overall case for conviction clearly and significantly less persuasive. Rather, it was

so telling “that it becomes implausible that a jury would fail to find that it tends to connect the accused to the commission of the charged offense.” *Id.* at 539–40. So, “the only resultant harm is purely theoretical.” *Id.* We overrule the first issue.

Admonishments

Statute provides that “[n]o oral or sign language statement of an accused made as a result of custodial interrogation shall be admissible against the accused in a criminal proceeding unless” various warnings are given the accused. TEX. CODE CRIM. PROC. ANN. art. 38.22, § 3(a)(2). Those warnings were not afforded by a detective prior to him speaking with Copeland in jail. Apparently, Copeland asked to speak with that detective. The omission of those warnings purportedly violated article 38.22, § 3(a)(2) and rendered the statement inadmissible. Copeland objected to its use at trial. The trial court entertained the objection, listened to the recorded statement, construed it as “not interrogation,” and permitted its admission.

The debate here is whether the jailhouse exchange constituted interrogation. Whether it does matters not. Even if it were, we conclude its admission did not affect a substantial right of Copeland, i.e., it was harmless. *See Raymundo v. State*, No. 07-14-00439-CR, 2015 Tex. App. LEXIS 8827, at *9 (Tex. App.—Amarillo Aug. 21, 2015, no pet.) (mem. op., not designated for publication) (stating that purported error involving non-compliance with article 38.22 must be disregarded if it does not affect a substantial right and a substantial right is affected when the error had a substantial and injurious effect or influence on the outcome). To the extent that Copeland’s statement alluded to the security video and him being shown discharging the handgun, it was redundant of both the video content itself and testimony by non-accomplice witnesses. Such redundancy

negates harm. See *In re C.C.*, 476 S.W.3d 632, 637 (Tex. App.—Amarillo 2015, no pet.) (stating that improperly admitted evidence is generally harmless when the same or similar evidence was admitted elsewhere and the appellant does not complain of it on appeal). Indeed, the video itself coupled with testimony identifying Copeland as the shooter is so overwhelming and persuasive that one could not reasonably argue that the tangential jailhouse recording had a substantial effect or influence even if it were inadmissible.

The judgment of conviction is affirmed.

Per Curiam

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