



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-15-00085-CR

MIKE ALVIN RUIZ, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 8th District Court
Hopkins County, Texas
Trial Court No. 1524439

Before Morriss, C.J., Moseley and Burgess, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

After having entered an open guilty plea to the offense of evading arrest or detention with a motor vehicle,¹ the trial court sentenced Mark Alvin Ruiz to twenty years' imprisonment. Ruiz has filed a single brief in which he raises an issue common to both of his appeals.² Ruiz contends that the trial court violated his right to a public trial, as guaranteed by the United States and Texas Constitutions, by requiring his mother to leave the courtroom when Ruiz testified at the sentencing hearing. Although the record does not reflect the actions taken by Ruiz' mother during his testimony, it is assumed from the content of the comments by the trial court that she was attempting to direct Ruiz' testimony by non-verbal means, and this attempt prompted the trial court to eject her from the courtroom. No objection was lodged by Ruiz to his mother's ejection.

We addressed this issue in detail in our opinion of this date on Ruiz' appeal in cause number 06-15-00084-CR. For the reasons stated therein, we likewise conclude that error has not been shown in this case.

¹See TEX. PENAL CODE ANN. § 38.04(b)(2)(A) (West Supp. 2014).

²Ruiz appeals his conviction for the aggravated assault of a public servant with a deadly weapon in our cause number 06-15-00084-CR.

We affirm the trial court's judgment.

Bailey C. Moseley
Justice

Date Submitted: October 2, 2015
Date Decided: October 6, 2015

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