



NUMBER 13-19-00161-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

JESSE RAY CASTILLA,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 290th District Court
of Bexar County, Texas.**

MEMORANDUM OPINION

**Before Justices Hinojosa, Perkes, and Tijerina
Memorandum Opinion by Justice Hinojosa**

A jury found appellant Jesse Ray Castilla guilty of murder and sentenced him to seventy-five years' imprisonment in the Texas Department of Criminal Justice—Institutional Division. See TEX. PENAL CODE ANN. § 19.02. By one issue, Castilla argues the trial court erred when it denied his motion for directed verdict because the evidence

was legally insufficient to prove his identity as the murderer in this case. We affirm.

I. BACKGROUND¹

A. The Incident

The evidence at trial showed the following. Witness Damian Lira testified that his cousin Baby Vasquez introduced him to her boyfriend Joseph “Angelo” Camarena. Damian and Angelo became friends. On November 17, 2017, Angelo asked Damian to go for a ride with him. Baby stayed home with the one-year-old child she shared with Angelo.

Angelo drove to a home on Lovett Street in San Antonio, Texas and pulled into the driveway. He testified that there were three other vehicles parked there already. Damian stated that Angelo exited the vehicle and approached Castilla, who had been sitting on the front porch. The men shook hands and walked into the garage while Damian waited in the car. After waiting a few minutes, Damian heard a “pop noise” followed by another “pop” a split second later. His immediate thought was that the sounds were gunshots, but he had trouble believing that because it was only 5:00 p.m. in the afternoon. He was scared and wanted to leave but had to wait for Angelo.

When Castilla walked out of the garage without Angelo and approached the car, Damian jumped into the driver’s seat and put it in reverse, trying to leave. In Damian’s words, Castilla was “cool and collected” while Damian himself was “nervous” and “freaking out.” Castilla knocked on the driver’s side window and told Damian that Angelo

¹ This case is before this Court on transfer from the Fourth Court of Appeals in San Antonio, Texas pursuant to a docket-equalization order issued by the Supreme Court of Texas. See TEX. GOV’T CODE ANN. § 73.001.

was in the garage. He asked Damian if he wanted to wait with Angelo, but Damian refused. According to Damian, Castilla went inside the house to get something to drink, came out and went back into the garage, and then came out to Damian for the second time. Castilla asked Damian if Angelo had diabetes because Angelo was dizzy and not feeling well. Damian replied that Angelo did not have diabetes. He asked Castilla to tell Angelo that he wanted to leave. Castilla replied that Damian should get out of the car because Angelo did not feel well and needed his help getting back to the car. Damian refused. Castilla returned to the garage.

While Damian continued to wait in the car, he testified that Angelo's phone, which he had left in the vehicle, rang. Damian saw that the Caller ID said "Jess," so he answered the call and it was Castilla. Castilla relayed that Angelo was having an epileptic seizure. Castilla said that Angelo's "eyes [were] rolling in the back of his head" and that he was "foaming at the mouth." Castilla asked Damian to come to the garage to pick up Angelo and take him home, but Damian again refused. He said he would back the car up near the garage so that Castilla could put Angelo in the car, but he was not getting out of the car. Castilla became angry and said he was going to call EMS. Damian agreed that Castilla should call EMS. He told Castilla that he was going to leave to pick up Baby so they could go to the hospital. Damian then left Castilla's house.

Damian returned to pick up Baby. He testified that he asked Baby not to panic, explained how he thought he heard gunshots, and told her that Angelo never came out of the garage. Damian stated that although both he and Baby were nervous, they tried to

remain calm. They returned to Castilla's house with Baby and Angelo's child in tow.

Baby testified that when they arrived at the house on Lovett Street, she knocked on the front door. Amanda De Leon, Castilla's girlfriend, answered. Baby asked if she could look in the shed and garage to find Angelo, but Amanda apparently told Baby to get off her property. Baby disregarded Amanda and checked the shed. As she was trying to open the garage, Castilla came out with a gun. He asked Baby what she was doing. Scared, she replied she was looking for Angelo. Castilla responded that he took Angelo to Methodist Hospital because he had a seizure. Baby and Damian then went to Methodist Hospital in downtown San Antonio and inquired about Angelo, but hospital personnel said he was not there. Baby called Castilla again and he said that he had a friend take Angelo to Southwest General Hospital instead. Angelo, however, was not at that hospital, either. Baby called Castilla again and heard him say, "turn left, turn right, no, turn left." She told him, "Dude, I know you're throwing [Angelo] somewhere. Like just tell me where he's at so I can go get him" and Castilla hung up on her. Baby and Damian spent the rest of the night calling jails and hospitals.

Baby stated that at 6:00 a.m. the next morning, she decided to call the medical examiner's office. When the office kept asking her for information regarding Angelo's identifying tattoos, she knew he was dead.

Robert Terrazas testified that his then-girlfriend, Shannon Busick, got a phone call from her friend Castilla at about 7:00 or 7:30 p.m. on November 17, 2017. Castilla needed to borrow a truck to "dump some trash," so Shannon asked Robert if they could use his pickup truck. He agreed. The couple drove to Castilla's house on Lovett Street. When

they arrived, Castilla “instructed” them to back the truck in such a way that the tailgate was closest to the house. Then Castilla apparently told Shannon to stand as a look out in front of the driveway. Robert said he got out of the truck when he noticed that Castilla needed help putting a barrel in the bed of the pickup truck. He recalled that Castilla was “focused” and “in a serious mood.” The men got the barrel, which Robert described as “pretty heavy,” onto the pickup’s bed and Castilla told Shannon and Robert to dump it in a place it would not be found. Before they left, Castilla handed Robert a plastic bag which Robert threw into the bed of the truck.

The couple drove around for hours trying to find a place, and Robert testified that Castilla kept calling Shannon during this time to inquire whether they were done. Robert finally found a secluded location near a creek. While Shannon stayed in the truck, Robert went to the bed of the truck and kicked the barrel until it rolled out of the bed of the truck. Robert testified that when the barrel landed, the lid popped off and he saw “two feet hanging out of the barrel.” He was terrified. He ran back into the truck and told Shannon they had to leave. He could not speak.

Robert testified that he was in shock. When he could finally speak about ten or fifteen minutes later, he started “looking at [Shannon] crazy” until she asked, “What?” Robert replied, “You didn’t see that?” She responded, “What?” When Robert told her he saw two human feet, Shannon got scared and said they needed to call the police. They checked into a motel and called the San Antonio Police Department. Robert said he “totally shut down.” He was scared because he has a prior criminal history and thought

he had been framed by Castilla.

Shannon Busick testified and corroborated much of Terrazas's testimony. She stated that she and Castilla were friends and that he had called her to borrow her truck. Because her truck was being repaired, she asked to borrow her boyfriend Robert's truck instead. When they arrived at Castilla's home, she noticed Amanda looking "frazzled and upset" trying to leave with her children. After she backed the truck into the driveway, Castilla told Shannon to "go to the front of the house and make sure there was no one coming." She then got into the cab of the pickup while Castilla and Robert loaded a barrel into the bed of the truck. She testified that Castilla also threw a plastic bag in the back.

She recalled that she and Robert drove around for hours before they found a place to dump the barrel. In the meantime, Castilla continued to call her, asking if they "had gotten rid of the barrel." She said his voice was "normal." Shannon testified that they finally found a place to dispose of the barrel. She recalled that Robert went to dump it and when he returned, "his eyes were very big and he was pale. And he said, 'we're in danger.'" They started driving away and once they were on the road, Robert asked if she had seen what had fallen. She said no. When Robert told her he had seen two human feet, she was "very fearful" and "disgusted." She did not want to return to her house because Castilla knew where she lived with her son. Therefore, she encouraged Robert to rent a motel room with her. Once they checked into the motel, Shannon called the police. When the police arrived, both she and Robert fully cooperated with their

investigation.

B. The Investigation

Officer Sarah Carrasco with the San Antonio Police Department (SAPD) was one of the officers that responded to Shannon's call. She testified that when she arrived at the motel, Shannon "was shaking" and "her voice was kind of rattled" and Robert was "very quiet" and "in shock." Carrasco listened to Shannon's story. Carrasco said an officer stayed with Robert's truck at the motel while she and her partner, following Shannon's directions, drove with Shannon and Robert to the location where they had dumped the barrel. When they arrived at the location and located the body, Carrasco called EMS and additional units to come help with the scene.

SAPD Detective Tim Angell testified that at 3:30 a.m. on the morning of November 18, 2018, he responded to a homicide call. He explained that when he arrived at the location, a rural area in San Antonio, he "observed a barrel with a victim—a deceased person inside of it that looked like it had pushed off . . . some height and then broke open when it hit the ground." He said the deceased's upper body had been wrapped in a blue tarp. He took photographs of the crime scene.

Crime Scene Investigator Eric Roberson testified that he processed the garage at the Lovett Street house. He stated that he collected swabs, bleach bottles, a box of disposable gloves, two spent .380 shell casings, and a box of .380 ammunition. He further testified that he found used gloves in an outside trash can and another in a trash can inside the house. He reported that he saw a barrel in the garage, similar to the one Angelo

was found in, as well as a mop and a bucket.

Homicide Investigator Juan Espinoza with the San Antonio Police Department testified that he worked on this investigation. He confirmed that the Bexar County Crime Lab found Angelo's blood on the handle of a bleach bottle taken from Castilla's garage. He reported that the lab also found Castilla's DNA on some used gloves found in the garage. In addition, the plastic bag found in the bed of Robert's truck contained bloody towels covered with Angelo's blood. The plastic bag also had a receipt from Harbor Freight, a home goods store, which listed Castilla as an account holder there. Espinoza further testified that the spent shell casings found in the garage at the Lovett Street house were .380 caliber, which was the same caliber of bullet the medical examiner's office collected from Angelo's body. When Espinoza interviewed Castilla, Castilla admitted that he owed Angelo five hundred dollars.

Maria Acuna-Rhodes, a Fingerprint Examiner for SAPD, testified that she found Robert's fingerprints on the barrel collected from the crime scene which hid Angelo's body. She also stated that she found Castilla's fingerprints on the box of .380 ammunition taken from the garage.

C. The Trial and Sentencing

The jury found Castilla guilty of murder. After pleading true to an enhancement paragraph regarding his repeat felony offender status, the jury assessed a sentence of seventy-five years in the Texas Department of Criminal Justice—Institutional Division. Castilla appeals.

II. APPLICABLE LAW AND STANDARD OF REVIEW

By one issue, Castilla challenges the denial of his motion for directed verdict on the issue of his identity as the murderer. An appellate court treats a point of error complaining about the denial of a motion for direct verdict as a challenge to the legal sufficiency of the evidence. *Williams v. State*, 937 S.W.2d 479, 482 (Tex. Crim. App. 1996).

The Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution requires that a criminal conviction be supported by a rational trier of fact's findings that the accused is guilty of every essential element of a crime beyond a reasonable doubt. *Laster v. State*, 275 S.W.3d 512, 517 (Tex. Crim. App. 2009) (citing *Jackson v. Virginia*, 443 U.S. 307, 316 (1979)). This due process guarantee is safeguarded when a court reviews the legal sufficiency of the evidence. *Id.* Under this review, we consider all of the evidence in the light most favorable to the verdict and determine whether a rational fact finder could have found the essential elements of the crime beyond a reasonable doubt based on the evidence and reasonable inferences from that evidence. *Whatley v. State*, 445 S.W.3d 159, 166 (Tex. Crim. App. 2014); *Jackson*, 443 U.S. at 319. Because the jury is the sole judge of the credibility of the witnesses and of the weight to be given to their testimony, we resolve any conflicts or inconsistencies in the evidence in favor of the verdict. *Ramsey v. State*, 473 S.W.3d 805, 808 (Tex. Crim. App. 2015); *Wesbrook v. State*, 29 S.W.3d 103, 111 (Tex. Crim. App. 2000).

“Circumstantial evidence is as probative as direct evidence in establishing guilt, and circumstantial evidence alone can be sufficient to establish guilt.” *Winfrey v. State*,

393 S.W.3d 763, 771 (Tex. Crim App. 2013) (citing *Hooper v. State*, 214 S.W.3d 9, 13 (Tex. Crim. App. 2007)). Juries are permitted “to draw reasonable inferences as long as each inference is supported by the evidence presented at trial. However, juries are not permitted to come to conclusions based on mere speculation or factually unsupported inferences or presumptions.” *Hooper*, 214 S.W.3d at 15.

We measure the legal sufficiency of the evidence against the elements of the offense as defined by a hypothetically correct jury charge for the case. *Byrd v. State*, 336 S.W.3d 242, 246 (Tex. Crim. App. 2011). Such a charge is one that accurately sets out the law, is authorized by the indictment, does not unnecessarily increase the State’s burden of proof or unnecessarily restrict the State’s theories of liability, and adequately describes the offense for which the defendant was tried. *Id.*

To establish murder in this case, the State had to prove that Castilla did intentionally and knowingly cause the death of Angelo by shooting him with a deadly weapon, namely, a firearm, or with intent to cause serious bodily injury to Angelo, did commit an act clearly dangerous to human life that caused Angelo’s death by shooting him. See TEX. PENAL CODE ANN. §§ 19.02(b)(1)-(2).

III. ANALYSIS

Castilla argues that the evidence is insufficient to establish his identity as Angelo’s murderer. The State must prove beyond a reasonable doubt that the accused is the person who committed the crime. See *Roberson v. State*, 16 S.W.3d 156, 167 (Tex. App.—Austin 2000, pet. ref’d). “When there is no direct evidence of the perpetrator’s identity elicited from trial witnesses, no formalized procedure is required for

the State to prove the identity of the accused.” *Id.* (citing *Sepulveda v. State*, 729 S.W.2d 954, 957 (Tex. App.—Corpus Christi—Edinburg 1987, pet. ref’d)); see also *Morales v. State*, No. 13-17-00279-CR, 2018 WL 6802127, at *3 (Tex. App.—Corpus Christi—Edinburg Dec. 27, 2018, no pet.) (mem. op., not designated for publication). The identity of a perpetrator may be proven by circumstantial evidence. See *Orellana v. State*, 381 S.W.3d 645, 653 (Tex. App.—San Antonio 2012, pet. ref’d). And “[c]ircumstantial evidence is as probative as direct evidence in establishing guilt” *Winfrey*, 393 S.W.3d at 771; *Hooper*, 214 S.W.3d at 13.

Viewing the evidence in the light most favorable to the verdict, we conclude that a rational jury member could have found that Castilla was the person that killed Angelo. See *Whatley*, 445 S.W.3d at 166; *Jackson*, 443 U.S. at 319. Damian testified that he saw Angelo and Castilla head into the garage together and then heard two sounds that sounded “like gunshots” coming from that space. Damian stated that he never saw Angelo again and that Castilla pressured him to leave his car three times to go to the garage, too. When Damian refused, Castilla became angry. This evidence places Castilla in physical proximity to Angelo at the time of his death. Further, a jury could have viewed Castilla’s interaction with Damian as an effort to influence or hurt the only witness who could identify him as the murderer. See *Torres v. State*, 794 S.W.2d 596, 598 (Tex. App.—Austin 1990, no pet.) (“It is consequently a well[-]accepted principle that any conduct on the part of a person accused of a crime subsequent to its commission, which indicates a ‘consciousness of guilt’ may be received as a circumstance tending to prove that he

committed the act with which he is charged.”).

When Baby returned with Damian to look for Angelo, she saw Castilla holding a gun. Castilla told Baby and Damian that he had taken Angelo to Methodist Hospital because he had an epileptic seizure. He later changed the story to say that a friend of his had taken Angelo to Southwest General Hospital instead. Angelo was at neither location. When Baby called Castilla and accused him of trying to dump Angelo’s body somewhere, he hung up the phone on her instead of denying the accusation. *See Guevara v. State*, 152 S.W.3d 45, 50 (Tex. Crim. App. 2004) (holding that inconsistent statements, as well as attempts to conceal evidence, “are probative of wrongful conduct and are also circumstances of guilt.”).

When Robert and Shannon came to the house, Robert testified that Castilla seemed “focused.” Robert helped Castilla load the barrel onto the bed of the truck. Before Robert and Shannon left, Castilla gave Robert a plastic bag which Robert threw into the bed as well. While Robert and Shannon were driving looking for a place to dump what Robert thought was “trash,” Castilla kept calling Shannon to see if they had dumped the barrel yet. A jury could have inferred that Castilla’s constant inquiries to Shannon revealed that Castilla knew they were dumping something besides trash.

Law enforcement personnel testified that the plastic bag recovered from the bed of Robert’s truck had towels stained with Angelo’s blood, and a receipt with Castilla’s name on it. The shell recovered from Angelo’s body was the same caliber as a box of shells found in Castilla’s garage, which had his fingerprints. *See Wood v. State*, 515 S.W.2d 300, 304 (Tex. Crim. App. 1974) (concluding that the same caliber bullet taken

from the deceased's body and found in the defendant's vehicle was circumstantial evidence of guilt). Finally, Castilla told Investigator Espinoza that he owed Angelo five hundred dollars. See *Guevara*, 152 S.W.3d at 50 (holding that "[m]otive is a significant circumstance indicating guilt."); see also *Alcala v. State*, No. 13-12-00259-CR, 2014 WL 3731733, at *11 (Tex. App.—Corpus Christi—Edinburg Jul. 24, 2014, pet. ref'd) (concluding that "although motive and opportunity are not elements of murder," they can be a sign of guilt).

Although Castilla's brief raises the points that Angelo's body was too heavy for one person to put it in a barrel, and that tarps, gloves, and cleaning supplies found in the garage would be typical in any "working man's" garage space, the jury could have resolved these inconsistencies in favor of a guilty verdict. See *Merritt v. State*, 368 S.W.3d 516, 526 (Tex. Crim. App. 2012) (finding that the combined and cumulative force of the circumstantial evidence admitted in the case were sufficient to establish the defendant's identity as the perpetrator of an arson); *Whatley*, 445 S.W.3d at 166; *Jackson*, 443 U.S. at 319. In light of the foregoing analysis, we overrule Castilla's sole issue.

IV. CONCLUSION

We affirm the trial court's judgment.

LETICIA HINOJOSA
Justice

Do not publish.
TEX. R. APP. P. 47.2(b).

Delivered and filed the
27th day of August, 2020.