

## COURT OF CRIMINAL APPEALS JUDGES

**Presiding Judge Sharon Keller** was elected Presiding Judge in 2000 after serving as Judge on the Court of Criminal Appeals since 1995. From 1987 to 1994 she served as Assistant District Attorney in the Dallas County District Attorney's Office. She is a graduate of Rice University and Southern Methodist University School of Law. Presiding Judge Keller was the first woman on the Court of Criminal Appeals and the first to serve as Presiding Judge of the Court.

**Judge Michael Keasler** was elected to the Court in 1998. In 1969 he was appointed Assistant District Attorney for Dallas County, where he served for twelve years. In 1981 he was appointed Judge of the 292nd District Court in Dallas, where he served for seventeen years. He is a graduate of the University of Texas and the University of Texas School of Law and served as Chair of the State Bar Judicial Section and the Texas Center for the Judiciary.

**Judge Barbara Hervey** was elected to the Court in 2000 after serving as an Assistant Criminal District Attorney in the Bexar County District Attorney's Office, Appellate Section, for sixteen years. She is a graduate of the University of North Carolina at Greensboro and St. Mary's University School of Law. She currently serves as the Court's liaison to the State Bar of Texas and was a Commissioner on the National Commission on Forensic Science.

**Judge Elsa Alcalá** was elected to the Court in 2012 after being appointed to the Court in 2011. Before that, she served for nine years as a justice on the First Court of Appeals and for three years as a state district court judge in Harris County. She was an assistant district attorney for nine years at the Harris County District Attorney's Office. She is a graduate of the University of Texas School of Law and is board certified in Criminal Law and Criminal Appellate Law.

**Judge Bert Richardson** was elected to the Texas Court of Criminal Appeals in 2014. He served as an Assistant District Attorney for Bexar County and Assistant U. S. Attorney. He was appointed to the 379th District Court of Bexar County in 1999. He is a graduate of St. Mary's University School of Law and is board certified in Criminal Law.

**Judge Kevin Patrick Yeary** was elected to the Texas Court of Criminal Appeals in 2014. In 1991, he served as briefing attorney at the Texas Court of Criminal Appeals. He has worked as a defense attorney in private practice and as an Assistant District Attorney for Dallas, Harris and Bexar Counties. He is a graduate of the St. Mary's University School of Law.

**Judge David Newell** was elected to the Texas Court of Criminal Appeals in 2014 after serving as Assistant Criminal District Attorney for Harris and Fort Bend Counties. He is a graduate of the University of Texas School of Law and is board certified in Criminal Law and in Criminal Appellate Law.

**Judge Mary Lou Keel** was elected to the Court in 2016. From 1995 through 2016 she presided over the 232nd District Court in Harris County, Texas. She also served Harris County as an assistant district attorney at trial and on appeal. She was a briefing attorney for the First Court of Appeals from 1985-86. She has been board certified in Criminal Law since 1990. She earned a BA in English from the University of Texas in 1982 and a JD from the University of Houston Law Center in 1985.

**Judge Scott Walker** was elected to the Court in 2016. He graduated from Dallas Baptist University and received his Juris Doctorate from Baylor School of Law. He is a member of the State Bar of Texas and the Texas Bar College. He is a former member of the Texas Criminal Defense Lawyers Association and the Tarrant County Criminal Defense Lawyers Association.



## COURT OF CRIMINAL APPEALS

SITTING AT  
TEXAS A&M UNIVERSITY SCHOOL OF LAW  
FORT WORTH, TEXAS

The Court of Criminal Appeals is the highest state court for appeals in criminal cases. It is composed of nine members, a Presiding Judge and eight Judges, elected to staggered terms of six years. All cases that result in the death penalty are automatically appealed directly to the Court of Criminal Appeals. Applications for writs and other extraordinary matters are also resolved by the court. All other criminal cases come to the Court on appeal from decisions of the fourteen courts of appeals, and review is at the discretion of the Court. Generally, cases selected for review involve issues that will affect the jurisprudence of the entire state, such as conflicts among the courts of appeals or with a decision of the Court of Criminal Appeals or the United States Supreme Court, cases of first impression, or cases that require the supervisory powers of the Court. The Court disposes of almost 10,000 matters each year.



Reflection of the State Capitol  
in the Supreme Court Building  
Austin, Texas



*Front Left:* Judges Alcalá, Keasler, Keller, Hervey, Richardson  
*Back Left:* Judges Keel, Yeary, Newell, Walker

## Texas Court of Criminal Appeals

**Cases set for oral argument at  
TEXAS A&M UNIVERSITY SCHOOL OF LAW  
FORT WORTH, TEXAS  
September 27, 2017**

AP-77,064

### **William Michael Mason vs. The State of Texas**

Capital murder/Harris County

For the Appellant: Patrick F. McCann and Mandy Miller

For the State: Katie Davis

Mason was accused of murdering his wife in the course of kidnapping her in 1991. He was convicted of capital murder and sentenced to death in 1992. In 2013, the Court of Criminal Appeals granted Mason a new

punishment trial because the jury had received an improper “nullification” instruction at his 1992 trial.

When the new punishment trial was held in 2015, Mason was in his 60s and had health problems. During voir dire, the trial judge informed the prospective jurors that Mason had been previously convicted of capital murder and sentenced to death. Defense counsel did not object when the trial judge mentioned Mason’s prior death sentence. At the conclusion of the new punishment trial, Mason was again sentenced to death.

Issues: Did the trial judge violate Mason’s constitutional rights when he told prospective jurors about Mason’s prior death sentence? Was defense counsel ineffective for failing to object to these comments? Was the future dangerousness special issue unconstitutional as applied to Mason because it did not permit the jury to consider his advanced age and declining physical health?

PD-1269-16

### **Christopher James Holder vs. The State of Texas**

Capital Murder/Collin County

For the Appellant: Steven Miears

For the State: John R. Rolater, Jr.

Appellant was charged with killing the victim in the course of a burglary, and some key evidence was that his cell phone was near the victim’s home at the time of the offense. To obtain those cell phone records, the State’s petition had stated that the police had probable cause to believe that the records were relevant to “a current, on-going police investigation” of murder; that the phone was “used by a possible suspect to communicate with unknown persons”; and that the records would “allow investigators to identify if this suspect was in the area at the time of the offense and will provide investigators leads in this case.” The issue presented is whether these allegations amount to “specific and articulable facts” under 18 U.S.C. § 2703(d) (the Stored Communications Act), so as to support the trial court’s denial of Appellant’s suppression motion.

**Case summaries do not reflect the Court’s opinion of the merits of the cases.**

Contact: Deana Williamson, Clerk, Texas Court of Criminal Appeals, (512) 463-1551