

the Jasuta / Schulman report

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TIBA's Case of the Week

Amarillo Court of Appeals

Case Name: [Christopher Taylor v. The State of Texas](#)

- **OFFENSE:** Deadly Conduct
- **COUNTY:** Travis
- **C/A CASE No.** 07-25-00010-CR
- **DATE OF OPINION:** December 30, 2025 **OPINION:** [Justice Alex Yarbrough](#)
- **DISPOSITION:** Conviction Reversed / Acquittal Entered
- **TRIAL COURT:** 167th D/C
- **LAWYERS:** [Rick Wetzel](#) (Defense); [Holly Taylor](#) (State)

(Background Facts): In 2019, Appellant, then an Austin Police Department officer, and three fellow officers responded to a 911 call at a downtown Austin condo building. A resident, Mauris DeSilva, had been seen roaming the halls with a knife to his throat and threatening suicide. Building management, familiar with DeSilva's schizophrenia and other mental health issues, told officers this was not the first such incident. Front desk staff informed the officers that DeSilva was on the fifth floor with a large kitchen knife, and security cameras confirmed he was walking toward the elevator. The four officers took the elevator to the fifth floor. Their plan was for one officer to deploy a taser, two -- including Appellant -- to use firearms if necessary, and the fourth officer to attempt physical restraint. Bodycam footage showed that when the elevator doors opened, DeSilva was facing a hallway mirror with the knife at his throat. He turned and approached the officers. They had not designated a single officer to issue commands, and all four shouted orders, including "show me your hands" and "drop the knife." DeSilva lowered the knife to his side but continued forward. Almost simultaneously, the taser officer fired, and the two officers with drawn weapons fired as well. Appellant fired five shots, and the other officer fired twice. DeSilva died at the scene.

[§ 55.04 Sufficiency of the Evidence / Defensive Issues / Self-defense or Defense of Third Persons]: Appellant was indicted for deadly conduct with a firearm and pled not guilty, asserting self-defense and defense of others. Fellow officers testified they would not have acted

differently. An expert testified that a knife-wielding attacker within 21 feet could injure an officer before the officer could fire, and therefore Appellant's use of deadly force was justified. The Austin Police Department's Special Investigations Unit concluded Appellant's actions did not warrant criminal charges. The jury nevertheless found Appellant guilty. On appeal, Appellant challenges his conviction, claiming there was insufficient evidence to disprove his affirmative defenses of self defense and defense of another.

Holding: In a claim of self-defense or defense of third persons that would justify a defendant's use of force against another, the defendant bears the burden to produce evidence supporting the defense, while the State bears the burden of persuasion to disprove the raised issues. *Braughton v. State*, 569 S.W.3d 592 (Tex.Cr.App. 2018)(see [6&S, Vol. 26, No. 51](#); 12/31/2018), citing *Zuliani v. State*, 97 S.W.3d 589 (Tex.Cr.App. 2003)(see [6&S, Vol. 11, No. 5](#); 02/10/2003); *Saxton v. State*, 804 S.W.2d 910 (Tex.Cr.App. 1991). The defendant's burden of production requires him to adduce some evidence that would support a rational finding in his favor on the defensive issue. *Krajcovic v. State*, 393 S.W.3d 282 (Tex.Cr.App. 2013)(see [6&S, Vol. 21, No. 10](#); 03/11/2013). By contrast, the State's burden of persuasion "is not one that requires the production of evidence; rather it requires only that the State prove its case beyond a reasonable doubt." *** Thus, "[i]n resolving the sufficiency of the evidence issue, we look not to whether the State presented evidence which refuted [A]ppellant's self-defense testimony, but rather we determine whether after viewing all the evidence in the light most favorable to the prosecution, any rational trier of fact would have found the essential elements of [the offense] beyond a reasonable doubt and also would have found against [A]ppellant on the self-defense issue beyond a reasonable doubt." See *Krajcovic*. *** Appellant's first issue is dispositive of this appeal. He argues the evidence was legally insufficient for the State to disprove his affirmative defense of justification beyond a reasonable doubt. We agree. *** Both the State and Appellant stipulated at trial the only contested issue was whether Appellant acted with justification, either in self-defense or in defense of his fellow officers. There was no argument as to whether Appellant pointed his weapon at DeSilva and knowingly discharged it. We agree with the State, the only disputed factual issue at trial was whether Appellant's conduct was justified because he acted in self-defense or defense of a third person. *** It is uncontested Appellant did not provoke DeSilva nor was he engaged in criminal activity at the time he discharged his weapon. Therefore, the only fact in dispute is whether Appellant knew or had reason to believe DeSilva was attempting to commit murder when he shot him. *** While DeSilva initially held the knife to his own throat, justification does not turn on that earlier posture. At the moment deadly force was used, DeSilva turned toward officers, directed the knife away from himself, ignored commands to drop it, and advanced in a confined space. A person attempting to comply does not move toward officers with a knife oriented in their direction. The law does not require officers to interpret such conduct as compliance or to wait until an attack is completed before responding. See *Yalch v. State*, 743 S.W.2d 231 (Tex.Cr.App. 1988). *** This conclusion does not depend on accepting any particular witness's credibility. But even if credibility were considered, the evidence favoring justification was substantial. Two officers in the elevator testified they perceived DeSilva's actions as an imminent attempt to

commit murder and would have responded the same way. Appellant's expert testified the shooting was justified. Although the State's expert did not testify, his opinion that the shooting was justified was admitted into evidence. The jury was free to reject that testimony, but once it is set aside -- as the State now invites -- what remains is the video evidence, which independently supports justification. *** Finally, even assuming Appellant had been told that DeSilva was previously only a danger to himself, that information does not negate justification. Mental health crises are dynamic. A person who is suicidal one moment may pose an immediate threat to others the next. The law evaluates the reasonableness of force based on what the defendant reasonably perceived at the moment deadly force was used -- not on earlier assurances or missed opportunities for de-escalation. *** Our holding does not substitute this Court's judgment for that of the jury. Rather, it applies the constitutional requirement that a conviction rest on evidence from which a rational jury could find beyond a reasonable doubt that the State disproved Appellant's justifications. *Jackson v. Virginia*, 443 U.S. 307 (1979). When undisputed objective evidence establishes justification, a verdict resting on speculation cannot stand. See *Hooper v. State*, 214 S.W.3d 9 (Tex.Cr.App. 2007)(see *if&s*, Vol. 15, No. 4; 02/05/2007). *** We reverse the judgment of the trial court and render a judgment of acquittal.

Sidebars

([John G. Jasuta](#)) Let's see if the State even takes PDR. I doubt one would be granted.

([David A. Schulman](#)) Fantastic work by Appellate counsel --- getting an Appellate court to reverse a jury's decision is never easy.