


One Fabulous Skyline

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Case Name: [Robert Poindexter v. The State of Texas](#)

- OFFENSE: Possession of Controlled Substance w/ Intent to Deliver
- COUNTY: Nueces
- COURT OF APPEALS: Corpus Christi 2003
- C/A CITATION: 115 S.W.3d 295
- C/A RESULT: Conviction Reversed
- CCA. CASE No. PD-1816-03
- DATE OF OPINION: January 12, 2005
- DISPOSITION: Court of Appeals Reversed
- OPINION BY: Cochran, J. VOTE: 9-0
- TRIAL COURT: 347th D/C; Hon. Nelva Ramos
- LAWYERS: Doug Tinker (Defense); Doug Norman (State)

 **533.02 Sufficiency of the Evidence:** A search warrant was executed on a house when no one was home. Crack cocaine residue was found in some vials on or in a bedroom dresser. Cocaine was found hidden in the ceiling of one closet in a different bedroom and in another closet in that bedroom. Appellant's photo and a utility bill addressed to him at that address were found in the house, and Appellant listed that address as his home when he was arrested. During the bench trial the State offered the search warrant and supporting affidavit, with Appellant stating, "No objection." There was also no objection to several statements about the confidential informant telling the officer that Appellant hid his cocaine in the closet and sold cocaine at the house. The search warrant affidavit stated that the CI saw Appellant possess cocaine in the house two days before the search. After an extensive analysis, the Court of Appeals held the evidence was not sufficient to show Appellant possessed the cocaine found in the house, and that the hearsay which was admitted was valid to show why the officers acted, so could not be used to prove the truth of the matter asserted (see , [Vol. 11, No. 36](#); 09/15/2003).

Holding: When Appellant did not ask the court to limit the hearsay for other purposes, it became admitted for all purposes. It clearly showed Appellant had recently possessed cocaine in the house, which he lived in, allowing a conclusion that he possessed the cocaine found in this search.