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

- OFFENSE: Impersonating a Public Servant
- COUNTY: Montgomery
- C/A CASE No. 09-13-00203-CR
- DATE OF OPINION: October 8, 2014
- DISPOSITION: Conviction Affirmed OPINION: [Horton, J.](#)
- TRIAL COURT: 435th D/C; Hon. Michael Seiler
- LAWYERS: [Bruce Anton](#) & [Brett Ordiway](#) (Defense); [Jason Larman](#) & [Bill Delmore](#) (State)

(Background Facts) The majority of the evidence supporting Appellant's conviction concerns conversations between Appellant and the assistant district attorney in Montgomery County. What was said during these conversations is undisputed, as they were recorded. The recordings made of the conversations, which were before the jury, reflect that Appellant made several calls to the assistant district attorney assigned to the court in which a friend of his was being prosecuted. During the two conversations that he had with the assistant district attorney about the case involving his friend, and in recorded messages pertinent to that same case, Appellant falsely identified himself as an assistant district attorney from Dallas County. The recordings reflect that Appellant asked the assistant district attorney in Montgomery County to assist him in reaching a resolution of his friend's case. Appellant explained that his friend thought that her case was to be transferred to Dallas County, but that due to errors with his friend's fingerprint card, the case had not been transferred from Montgomery County to Dallas County, where his friend lived. Appellant told the assistant district attorney that he had reviewed his friend's case, spoken with the probation department about her case, and checked on her background. Appellant also told the assistant district attorney that his friend was sick; that he could vouch for her character; and that he had information about his friend's disability, information he subsequently provided to the assistant district attorney. At one point he suggested that the matter might be capable of being resolved by a charitable donation.

537 Sufficiency of the Evidence: On appeal, Appellant argues the evidence is insufficient to show that he intended to induce the assistant district attorney to do anything or to rely on his act of falsely representing that he was an assistant district attorney. According to Appellant, the evidence does not show that he ordered or directed the assistant district attorney in Montgomery County to do anything for his friend. Appellant concludes that the actions he took are not the types of acts typically undertaken by assistant district attorneys. According to Appellant, while the evidence showed that he asked the assistant district attorney to do a favor for his friend, the

evidence is insufficient to show that he induced the assistant district attorney to rely on any pretended “official authority” or that he induced the assistant district attorney to submit to his “pretended official acts.” Appellant concludes the evidence shows that he was acting at all times in his personal capacity, and that the evidence does not reasonably support the conclusion that he intended to induce the Montgomery County assistant district attorney to act or rely upon his representation that he was an assistant district attorney.

Holding: [The] jury could have reasonably believed that [Appellant] falsely represented he was an assistant district attorney because he believed that another assistant district attorney was more likely to consider his requests to move the case along if she thought he held a similar official position. When viewed in the light most favorable to the evidence, the jury’s conclusion that [Appellant] intended to induce an assistant district attorney to use her authority to resolve an active case was reasonable. *** Given our resolution of the case under this prong of section 37.11(a)(1), we need not address [Appellant]’s remaining argument that the evidence failed to show that the Montgomery County assistant district attorney submitted to his pretended official authority.

Ed Note: The Court of Appeals also found that Appellant failed to preserve his claim that the prosecutor’s argument was improper because it suggested that defense counsel had fabricated the defense, because he did not raise the same objection to the prosecutor’s argument that he raises in his appeal.