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Case Name: [Dallas Carl Tate v. The State of Texas](#)

- OFFENSE: Possession of a Controlled Substance
- COUNTY: Montague
- C/A CASE No. 02-14-00179-CR
- DATE OF OPINION: May 14, 2015
- DISPOSITION: Conviction Reversed OPINION: [Sudderth, J.](#)
- TRIAL COURT: 97th D/C; Hon. Jack McGaughey
- LAWYERS: [Lynn Switzer](#) (Defense); [Zachary Renfro](#) & [Paige Williams](#) (State)

 **533.02 Sufficiency of the Evidence:** Sergeant Rick Beckham, a detective with the Bowie Police Department, testified that around 2:00 p.m. on December 3, 2012, he pulled Appellant over because he believed him to have outstanding warrants. Accompanying Appellant were two female passengers -- Bonita Proctor and Sherita Yvonne Hale -- and a dog. Appellant exited the vehicle upon the officer's request while the women remained in the car. Beckham testified that he took Appellant to the rear of the vehicle, informed him about the warrants, confirmed the warrants, secured the property Appellant had on his person, handcuffed him, contacted dispatch to request transportation, and then placed Appellant into custody. After that, Beckman testified that he and Appellant waited near the rear of the vehicle for a patrol unit to arrive to transport Appellant to jail. Although the vehicle was not registered in his name and he was unable to provide any paperwork demonstrating his ownership, Appellant claimed that he owned the vehicle. One of the female passengers also claimed ownership of the vehicle; however, she, too, could provide no proof. Therefore, pursuant to the Bowie Police Department's written impoundment policy, Beckham impounded the vehicle. The vehicle was later inventoried at the scene, at which time Beckham discovered a syringe filled with a brown liquid substance -- later identified by an expert as 0.24 grams of methamphetamine -- located in an open compartment underneath the air conditioner/heater control panel. Beckham described the compartment as "directly to the right" of the driver's seat. He further testified that while both Appellant and Proctor could have reached out and touched the compartment, he did not believe Hale, the back-seat passenger, could. On appeal, Appellant challenged the sufficiency of the evidence, arguing that the evidence does not prove that he possessed the syringe containing the controlled substance found near the front-seat air-conditioning unit of his car during an inventory search.

Holding: Although we are required to resolve any conflicting inferences in favor of the verdict, there can be no logical inferences from a complete gap in proof—either direct or circumstantial -- as to whether the syringe was in that compartment at any point in time when [Appellant] was also present in the vehicle. There is no evidence in this record that the syringe was ever in plain view or accessible to [Appellant]. *** On this record, the only link between [Appellant] and the syringe at the time he was removed from the vehicle was that he was the driver and self-purported owner of the vehicle. Therefore, a rational juror could not have determined beyond a reasonable doubt from the evidence that [Appellant] intentionally or knowingly exercised care, custody, management, or control over the syringe such as to constitute “possession” of the methamphetamine that was later found inside the vehicle.

Concurring / Dissenting Opinions: [Justice Walker](#) dissented, arguing that the syringe’s location “in plain view in an open cubby in the car’s console” that was “conveniently accessible” to Appellant is sufficient in addition to his vehicle ownership claim to link the syringe to him.