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⌘ Vol. 29, No. 39, October 11, 2021

Case Name: [Ijah Iwasey Baltimore v. The State of Texas](#)

- **OFFENSE:** Unlawfully Carrying a Handgun
- **COUNTY:** McLennan
- **COURT OF APPEALS:** Waco 2020
- **C/A CITATION:** 608 S.W.3d 864
- **C/A RESULT:** Conviction Affirmed
- **CCA. CASE No.** PD-0928-20 **DATE OF OPINION:** October 6, 2021
- **DISPOSITION:** Court of Appeals Reversed
- **OPINION:** [Judge Barbara Hervey](#) **VOTE:** 7-2
- **TRIAL COURT:** 54th D/C; Hon. Matt Johnson
- **LAWYERS:** [Jessica Freud](#) & [Alan Bennett](#) (Defense); [Gabriel Price](#) (State)

Ed Note: Appellant was convicted of unlawful carrying of a handgun in November 2016. The offense was enhanced from a Class A misdemeanor to a third-degree felony because the jury found that he committed the offense on premises of an establishment licensed to sell alcoholic beverages. Appellant appealed, arguing that the evidence was insufficient to show that he was on the premises of an establishment licensed to sell alcohol. The Court of Appeals overruled his point of error. [Baltimore v. State](#), 608 S.W.3d 864 (Tex.App. - Waco 2020)(see ⌘, [Vol. 28, No. 35](#); 08/31/2020). The Court of Criminal Appeals granted Appellant's PDR to address the Court of Appeals' holding that the evidence was sufficient. After granting review, however, the Court decided [Curlee v. State](#), 620 S.W.3d 767 (Tex.Cr.App. 2021)(see ⌘, [Vol. 29, No. 14](#); 04/19/2021), on the issue whether the evidence was sufficient to show whether the premises in which Appellant possessed a handgun was "an establishment licensed to sell alcohol." The case was remanded in light of [Curlee](#).

Concurring / Dissenting Opinions: Presiding Judge Sharon Keller and Judge Kevin Yeary dissented, each without note.