



One Fabulous Skyline

# TIBA TEXAS INDEPENDENT BAR ASSOCIATION

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APPELLANT'S NAME: JOHNNY STATEN

- DATE OF OPINION: April 4, 1996
- OFFENSE: Delivery of Dope
- COUNTY: Tarrant
- COURT OF APPEALS: Ft. Worth
- CASE NUMBER: 02-94-405-CR
- DISPOSITION: T/C Affirmed

**Case Note:** A represented himself pro se at trial, which leads to many of the problems in this case.

1. **Trial Court (Improper Statements):** Where A contends that the Trial Court was biased because he told A, representing himself pro se, that he wouldn't call any additional witnesses, thus A was allegedly coerced into resting, Court of Appeals notes that this statement made to A was based upon A's request, outside the presence of the jury, and further this exact same advice was given to A by his stand-by counsel, thus no error shown.

2. **Juror (Denial of Challenge for Cause):** Where juror indicated that he had some bias toward the credibility of police officers, but did indicate that he would listen to the evidence and be fair, challenge for cause properly overruled.

3. **Witnesses (Denied Right to Consult Drug Expert Witness):** Where A contends that after an expert was appointed for the defense, in order to evaluate and weigh the marijuana found in this case, apparently for the purpose of determining the actual weights of the substance, since A was charged with delivery of "more than 4 oz. but less than 50 lbs.", Court of Appeals finds that A did talk to the witness, and there was no showing that A was denied any rights, or any valuable testimony.

4. **Prosecutorial Misconduct (Jury Argument):** Court of Appeals finds that some complaints as to argument were reasonable deductions from the evidence, and that while other arguments asked the jury to speculate, they were not grossly harmful as to require reversal; Court of Appeals also finds that an instruction to disregard cured another alleged error.

5. **Counsel (Proper Admonishments as to Waiver of Counsel):** Where A was apparently warned by the Trial Court on three separate occasions before and during the trial, Court of Appeals finds that Waiver of Counsel was voluntary, especially where Trial Court also considered psychiatric testimony as to A's mental capacity.

6. **Speedy Trial (Four and half year delay):** Where A was indicted in 1989, but not tried until 1994, Court of Appeals finds that since A filed numerous pro se pretrial motions, plus continuances, which delayed a substantial amount of the action after demanding representing himself pro se, that since the majority of the delay was due to A's own conduct, the Court will not find prejudice and harm.