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COURT OF CRIMINAL APPEALS
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IN THE TEXAS COURT OF CRIMINAL APPEALS

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COURT OF CRIMINAL APPEALS
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THE STATE OF TEXAS,

APPELLANT

v.

CRYSTAL MASON,

APPELLEE

On Discretionary Review from the Second Court of Appeals of Texas, No. 02-18-00138-CR, Appeal in Cause No. 1485710D in the 432nd District Court of Tarrant County, Texas, the Honorable Ruben Gonzalez, Judge Presiding

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STATE'S BRIEF ON THE MERITS

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STATEMENT OF THE CASE

This case addresses whether evidence that a defendant read a provisional voter affidavit on the day of voting along with her testimony that this affidavit was clear and anyone reading it would understand that a felon on supervised release was ineligible to vote is sufficient to support a conviction for illegal voting despite the defendant's self-serving testimony that she signed the provisional voter affidavit without reading it.

STATEMENT OF PROCEDURAL HISTORY

On March 28, 2018, after a bench trial, the judge convicted Appellant of illegal voting and sentenced her to five years' confinement. CR 33. On May 25, 2018, after an evidentiary hearing, the trial court denied Appellant's motion for new trial and issued findings of fact and conclusions of law in support. CR 197-211; Supp. RR. 2.

On March 19, 2020, the Second Court of Appeals ("appellate court") affirmed Appellant's conviction. *Mason v. State*, 598 S.W.3d 755 (Tex. App—Fort Worth 2020) (*Mason I*). On September 27, 2020, the appellate court denied Appellant's motion for *en banc* reconsideration.

On May 11, 2022, this Court affirmed the appellate court's opinion in part but remanded the case back to the appellate court for a legal sufficiency review of

the record to determine whether Appellant actually realized that her supervised release rendered her ineligible to vote. *Mason v. State*, 663 S.W.3d 621, 632 (Tex. Crim. App. 2022) (*Mason II*).

On March 28, 2024, in an opinion designated for publication, the appellate court overturned the trial court's judgment of conviction and rendered a judgment of acquittal, holding that the record evidence was legally insufficient to support that Appellant knew she was ineligible to vote on the day she voted. *See Mason v. State*, 687 S.W.3d 772, 785 (Tex. App. – Fort Worth 2024) (*Mason III*). On August 21, 2024, this Court granted the State's petition for discretionary review.

ISSUE PRESENTED

Whether the evidence is sufficient to support the trial court's verdict that Appellant knew her supervised release status rendered her ineligible to vote?

STATEMENT OF FACTS

Appellant is Placed on Supervised Release.

On November 23, 2011, Appellant pleaded guilty in federal district court to the offense of conspiracy to defraud the United States. RR 2:17-18, 108; SX 1. On March 16, 2012, the court sentenced her to a sixty-month term of confinement in federal prison, followed by three years on supervised release, and ordered her to pay $4,206,085.49 in restitution. RR 2:17-18, 108; SX 1. Appellant was released from

prison on August 5, 2016, and began her three-year period of supervised release. RR 2:18-20. She understood her supervision conditions. RR 2:19-20.

Appellant is Notified of the Cancellation of Her Voter Registration.

On May 22, 2013, after receiving notice of Appellant's federal felony conviction, the Tarrant County Elections Administration mailed a Notice of Examination to Appellant's home address. RR 2:30-33, 45; SX 6. The notice informed Appellant that her registration status was being examined due to her felony conviction and gave her thirty days to establish her qualifications to remain registered. RR 2:32; SX 6. Appellant failed to respond. SX 6. On June 25, 2013, the Elections Administration notified Appellant that her voter registration in Tarrant County had been cancelled. RR 2:31, 33-34, 47; SX 6.

Appellant Votes in the 2016 General Election While on Federal Supervised Release.

A few months after her release from prison, on November 8, 2016, Appellant picked up her niece, Joanna Jones, to go vote in the general election. RR 2:116. Jones was in the wrong precinct, so she returned to the car to wait for Appellant. RR 2:118-19. Meanwhile, neither the poll clerk (Jarrod Streibich) nor the election judge (Karl Dietrich) could find Appellant's name in the book of registered voters. RR 2:59-60, 99, 119, 131. Appellant told Dietrich that she knew of no reason why she would not be on the registered voters' list, that someone in her household had

voted earlier in the day, and that she obviously should be allowed to vote. RR 2:60. Dietrich then searched the online voter database, but he still was unable to identify Appellant as a registered voter. RR 2:60.

Dietrich could not allow her to vote in the normal fashion because Appellant was not listed as a registered voter. RR 2:62. He asked if she wanted to vote provisionally, and she responded affirmatively.[1] RR 2:62. Appellant and Dietrich sat at a table away from the voting line and booths to read the information on the provisional ballot envelope. RR 2:67, 73, 100-02. Appellant filled out the appropriate section of the envelope and signed the Affidavit of Provisional Voter printed on the outside of the envelope, which stated the requirements for eligibility to vote. RR 2:44, 47, 50, 65-66, 68-71; SX 8, 9. The affidavit included the following admonishments:

> "*I . . . have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. . . . I understand that it is a felony of the 2nd degree to vote in an election for which I know I am not eligible.*"

SX 8, 9. When Dietrich raised his right hand and asked if Appellant affirmed that the information in the signed affidavit was accurate, Appellant responded affirmatively. RR 2:71-72. Dietrich would not have let Appellant affirm to the

1 Even though he was a neighbor, Dietrich did not know that Appellant was a convicted felon or that she was on supervised release. RR 2:54-56, 91-92, 94.

affidavit if she appeared not to have read it. RR 2:74. Appellant returned to Streibich, who had witnessed the interaction between Appellant and Dietrich, placed her name on the provisional sign-in sheet, and voted. RR 2:74-75, 102-03; SX 7. Both Dietrich and Streibich believed that Appellant read the entire provisional ballot envelope. RR 2:71, 75-76, 85-86, 89, 102.

Appellant Conceded that the Language of the Affidavit Makes Clear that She Was Ineligible to Vote.

Though Appellant's defense at trial was that she did not know she was ineligible to vote because she did not read the Provisional Voter Affidavit ("affidavit") that she signed, she agreed that the meaning of the affidavit was clear, and that anyone reading it would clearly understand that a felon on supervised release, like herself, was ineligible to vote:

> Q: [Y]ou would admit that the language within [the Provisional Voter Affidavit], it's clear?
>
> A: Yes, sir, it is. It is.
>
> Q: Okay. It's safe to say that anyone reading this language would know, If I'm a felon or if I'm a felon who has not concluded my sentence being on supervised release –
>
> A: Correct.
>
> Q: -- it's clear I'm not eligible to vote? That's clear –
>
> A: Correct.
>
> Q: -- correct? You -- you would admit that?

A: You're absolutely correct.

RR 2:144-45. Highlighting her understanding of the affidavit's words, Appellant testified twice that, had she read the affidavit on the day she voted, she would have recognized its importance and not voted. RR 2:152, 160.

SUMMARY OF THE ARGUMENT

The trial court found proof beyond a reasonable doubt that Appellant read and understood the affidavit she signed, thereby establishing that she actually knew she was ineligible to vote due to her status as a convicted felon. Upon application of the correct standard of review, this Court should find the evidence legally sufficient to support that verdict.

This Court should also take the opportunity to correct misconceptions regarding the legal sufficiency standard of review, which contrary to the appellate court's opinion, requires an appellate court to defer to the fact finder by construing conflicting or ambiguous evidence in favor of the verdict, to refrain from reweighing the evidence, and to examine all evidence in the light most favorable to the verdict.

ARGUMENT

A. The sufficiency standard of review requires the appellate court to defer to the fact finder by construing conflicting or ambiguous evidence in favor of the verdict, to refrain from reweighing the evidence, and to examine all evidence in the light most favorable to the verdict.

To evaluate the sufficiency of the evidence, an appellate court must view the evidence in the light most favorable to the verdict and ask whether any rational trier of fact could have found each element of the offense beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979); *Ramsey v. State*, 473 S.W.3d 805, 808 (Tex. Crim. App. 2015). This standard requires the appellate court to defer "to the responsibility of the trier of fact to fairly resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts." *Jackson*, 443 U.S. at 319, 99 S.Ct. at 2789.

Two central tenets of the *Jackson* standard are (1) deferral to the fact finder's credibility and evidentiary weight determinations; and (2) circumstantial evidence has the same probative value as direct evidence. *Hooper v. State*, 214 S.W.3d 9, 13 (Tex. Crim. App. 2007). As to the first tenet, the fact finder is the sole judge of the weight and credibility of the evidence and has the responsibility to resolve any conflicts in the testimony, including believing or disbelieving any testimony. *Nisbett v. State*, 552 S.W.3d 244, 262 (Tex. Crim. App. 2018); *Murray v. State*, 457 S.W.3d 446, 448 (Tex. Crim. App. 2015). An appellate court must defer to those credibility

and weight determinations. *Hammack v. State*, 622 S.W.3d 910, 914 (Tex. Crim. App. 2021). This deference extends to the inferences drawn from the evidence as long as those inferences are reasonably supported by the evidence and not mere speculation. *Tate v. State*, 500 S.W.3d 410, 413 (Tex. Crim. App. 2016). The appellate court's role is restricted to guarding against those rare occurrences when the fact finder does not act rationally. *Nisbett*, 552 S.W.3d at 262.[2]

The appellate court should not reweigh the evidence or substitute its judgment for the fact finder's judgment. *Williams v. State*, 235 S.W.3d 742, 750 (Tex. Crim. App. 2007). It must resolve ambiguities in the evidence in favor of the verdict. *See Brooks v. State*, 634 S.W.3d 745, 748 (Tex. Crim. App. 2021). The court should credit favorable evidence if a reasonable fact finder could, and disregard contrary evidence unless a reasonable fact finder could not. *City of Keller v. Wilson*, 168 S.W.3d 802, 822, 827 (Tex. 2005).

Second, circumstantial evidence is as probative as direct evidence in establishing guilt and circumstantial evidence alone can be sufficient to establish

2 Starting in 1996, this Court experimented with a "factual sufficiency" analysis which did not require the reviewing court to defer to the fact finder's credibility and evidentiary weight determinations but cautioned the reviewing courts from simply substituting their judgment for the fact finder's judgment. *Brooks v. State*, 323 S.W.3d 893, 911-12 (Tex. Crim. App. 2010); *Clewis v. State*, 922 S.W.2d 126, 133, 136 (Tex. Crim. App. 1996). Less than 15 years later, this Court abandoned this outcome-determinative analysis because such a "neutral light" review would allow the reviewing courts to sit as a "thirteenth juror" without any limitations and reverse a conviction simply because it disagrees with the trial court's resolution of conflicting evidence. *Brooks*, 323 S.W.3d at 911.

guilt. *Hammack*, 622 S.W.3d at 914-15. Each individual fact need not directly and independently point to guilt if the incriminating circumstances' cumulative force is sufficient to support the conviction. *Hammack*, 622 S.W.3d at 914; *Nisbett*, 552 S.W.3d at 262.

A fact finder may infer intent or knowledge from circumstantial evidence such as acts, words, and the conduct of Appellant. *Laster v. State*, 275 S.W.3d 512, 524 (Tex. Crim. App. 2009); *Guevara v. State*, 152 S.W.3d 45, 50 (Tex. Crim. App. 2004). And in sufficiency reviews of such a finding, the appellate court should look at events occurring before, during and after the commission of the offense and may rely on actions by the defendant which show an understanding and common design to do the prohibited act. *Hammack*, 622 S.W.3d at 914. Appellate courts may not employ a "divide and conquer strategy" for evaluating the evidence in which individual facts are explained away if those facts, when considered together, support a reasonable inference proving an element of the offense. *Nisbett*, 552 S.W.3d at 262; *Murray*, 457 S.W.3d at 448-49. The reviewing standard is the same for both circumstantial and direct evidence cases. *Hammack*, 622 S.W.3d at 915.[3]

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3 After adopting the *Jackson* standard, this Court invalidated both the long-standing jury instruction that circumstantial evidence must exclude, to a moral certainty, every reasonable hypothesis except the defendant's guilt, and the use of the "reasonable hypothesis of innocence analytical construct" as a tool for analyzing the evidentiary sufficiency in circumstantial evidence. *See Geesa v. State*, 820 S.W.2d 154, 155 (Tex. Crim. App. 1991); *Hankins v. State*, 646 S.W.2d 191, 197 (Tex. Crim. App. 1983). Furthermore, even under that circumstantial evidence double standard, circumstantial evidence of a defendant's guilty knowledge was not required to meet the same rigorous sufficiency criteria as circumstantial proof of other offensive elements. *Brown v.*

B. The evidence is legally sufficient to prove Appellant read and understood the affidavit which bears her signature.

A person commits the offence of illegal voting if she knowingly or intentionally votes or attempts to vote in an election in which she knows she is not eligible to vote. TEX. ELEC. CODE §64.012(a)(1). The State must prove that a defendant actually knew that her personal circumstances rendered her ineligible to vote; it is not sufficient just to prove that a defendant was on supervised release and that someone on supervised release is ineligible to vote. *Mason II*, 663 S.W.3d at 631-32. Here, there is no dispute that Appellant cast a provisional ballot and that she is ineligible to vote. The dispute centers on whether she actually read the provisional voter information and actually knew she was ineligible to vote.

As noted above, a fact finder may infer intent or knowledge from circumstantial evidence such as acts, words, and the conduct of Appellant. *Laster*, 275 S.W.3d at 524; *Guevara v. State*, 152 S.W.3d at 50. Proof of a defendant's mental state such as actual knowledge almost always depend upon circumstantial evidence. *See Varnes v. State*, 63 S.W.3d 824, 833 (Tex. App.—Houston [14th Dist.] 2001, no pet.) (actual knowledge that defendant knew he had to register as a sexual offender established by circumstantial evidence); *Chung v. State*, 751 S.W.2d 557, 558 (Tex. App.—Texarkana 1988, no pet.) (circumstantial evidence that

State, 911 S.W.2d 744, 747 (Tex. Crim. App. 1995). Hypothetical ignorance can be disproven with satisfactory evidence of actual knowledge. *Brown*, 911 S.W.2d at 747.

alcohol purchaser appeared to be age 14 or 15 rather than the age 22 in his ID card sufficient to establish that defendant had actual knowledge that purchaser was underage).

The following evidence sufficiently supports the trial court's conclusion that Appellant knew she was not eligible to vote when she voted in the 2016 election:

- On May 22, 2013, the Tarrant County Elections Administration sent Appellant notice that her status as a voter was being examined because she is a convicted felon. SX 7.

- On June 25, 2013, the Tarrant County Elections Administration sent Appellant notice cancelling her voter registration. SX 6, 7.

- On November 8, 2016, Appellant went to her precinct to vote in the general election. RR 2:116, 118-19.

- Streibich and Dietrich could not find Appellant's name in the registered voter book. RR 2:59-60, 99, 119, 131.

- Appellant told Dietrich that she knew of no reason why she would not be on the registered voters' list, that someone in her household had voted earlier in the day, and that she obviously should be allowed to vote. RR 2:60.

- Dietrich was unable to identify Appellant as a registered voter using the online voter database. RR 2:60.

- Appellant responded affirmatively to Dietrich's query whether she wanted to vote provisionally. RR 2:62.

- Appellant and Dietrich sat away from the voting line and booths to read the provisional ballot envelope information. RR 2:67, 73, 100-02.

- Dietrich asked Appellant to read the provisional voter affidavit and fill out the right side of the provisional ballot envelope. RR 2:67.

- The provisional voter affidavit admonishes that persons convicted of a felony, including persons still serving any term of incarceration, parole, supervision, or period of probation are not eligible to vote. SX 8 & 9.

- Dietrich observed Appellant appear to read the affidavit. RR 2:71.

- Dietrich saw Appellant distinctly pause while reading or appearing to read the form and did not believe it was possible that she did not review the affidavit's language. RR 2:75-76, 86, 89.

- Sitting four to five feet away, Streibich observed Appellant read the provisional ballot envelope, tracing her finger over each line to make sure she read it all. RR 2:102.

- Streibich's responsibility was to ensure that provisional voters read the ballot. RR 2:102.

- Appellant filled out the envelope's white section and signed the affidavit setting forth the voting eligibility requirements. RR 2:44, 47, 50, 65-66, 68-71; SX 8 & 9.

- When Dietrich raised his right hand and asked if Appellant affirmed that the information was accurate, she responded affirmatively. RR 2:71-72.

- Dietrich would not have let Appellant affirm her affidavit if she had not appeared to read it. RR 2:74.

- Appellant returned to Streibich, placed her name on the provisional sign-in sheet, and voted. RR 2:74-75, 102-03; SX 7.

- Appellant testified that the provisional voter information clearly stated that a convicted felon on supervised release is ineligible to vote. RR 2:144-45.

- Appellant testified that she is ineligible to vote due to being a felon. RR 2:144-45.

Put simply, two eye-witnesses observed Appellant read the provisional voter

information, sign it, and affirm its accuracy, which is legally sufficient to prove she had knowledge of its contents. *See Chivers v. State*, 481 S.W.2d 125, 127 (Tex. Crim. App. 1972) (witness testimony that defendant appeared to read confession as evidence that he read confession, despite appellant's claim to be semi-literate and unable to read the document); *Wilkins v. State*, 960 S.W.2d 429, 432 (Tex. App.—Eastland 1998, pet. refused) (concluding appellant received *Miranda* warning when he "appeared to read" prepared statement on which warning was printed); *see also Gutierrez v. State*, 502 S.W.2d 746, 747 (Tex. Crim. App. 1973) (witness testimony that appellant appeared to read and understand prepared statement before signing among evidence that statement was voluntary).

While Appellant's signature on the provisional affidavit is not dispositive proof of her actual knowledge, it is still circumstantial evidence that she read the affidavit and understood its contents stating that convicted felons (like herself) were ineligible to vote – i.e., actual knowledge of her ineligibility.[4] *See Moore v. Moore*, 383 S.W.3d 190, 196 (Tex. App.—Dallas 2012, pet. denied). ("In the absence of trickery or artifice, parties are presumed to have read and understood the documents they sign.").

In addition, Appellant admitted at trial that the provisional voter affidavit

4 This Court previously ruled that a signed Provisional Voter Affidavit alone is not dispositive proof of knowledge; however, it did not disqualify such a document as evidence of knowledge. *See Mason*, 663 S.W.3d at 627-28.

clearly stated to any reader that a convicted felon on supervised release, such as herself, is ineligible to vote. She admitted, in short, that upon reading it, she understood it.

Thus, the evidence established that Appellant both read and understood the provisional voter affidavit informing her that she was ineligible to vote when she cast her provisional ballot. Taking Appellant's signature along with eye-witness testimony establishing that Appellant read the affidavit, which Appellant admits clearly communicated her ineligibility to vote, the trial court heard ample evidence to conclude that Appellant committed the offense of illegal voting.

C. The appellate court misapplied the standard of review in finding the evidence insufficient.

The appellate court did not come to the above conclusion because it misapplied the standard of review for sufficiency by crediting evidence that the trial court could have disregarded, by reweighing evidence in favor of the defense, and by ignoring evidence favorable to the verdict.

Crediting Evidence that the Trial Court Could Have Disregarded

The appellate court credited evidence contrary to the verdict that the trial court, as fact finder, could have reasonably disregarded. *See Bustamonte v. State*, 106 S.W.3d 738, 741 (Tex. Crim. App. 2003) (fact finder free to reject defendant's self-serving statements). The appellate court detailed the evidence from Dietrich and

Streibich that they witnessed Appellant reading the affidavit and compared their testimonies to Appellant's denial that she read the affidavit, acknowledging that the differences were a credibility determination for the trial court to make. *Mason III*, 687 S.W.3d at 778-80. But then the appellate court dismissed the testimony of Dietrich and Streibich altogether by simply holding that the trial court's "finding Mason to be not credible—and disbelieving her protestation of actual knowledge—does not suffice as proof of guilt." *Id*. at 783. The appellate court went on in an analysis that appears to credit Appellant's disavowals of reading and understanding the affidavit. *Id*. at 783-85. By so doing, the appellate court inserted itself into the role of fact finder, thereby misapplying the sufficiency standard of review. *See Brooks*, 323 S.W.3d at 911-12 (appellate courts are not permitted to act as the "thirteenth juror"). By crediting Appellant's defense, which was rejected by the fact finder, the appellate court substituted the fact finder's facts with its own, misapplying the sufficiency standard of review. *See Williams*, 235 S.W.3d at 750; *Brooks*, 634 S.W.3d at 748.

Reweighing Evidence in Favor of the Defense

The overall tone of the appellate court's opinion indicates that it reweighed the evidence in contravention of the sufficiency review standard. *See Williams*, 235 S.W.3d at 750 ("We do not reweigh the evidence or determine the credibility of the evidence, nor do we substitute our judgment for that of the fact finder."). Their

impermissible reweighing of evidence is highlighted by two specific instances:

First, the appellate court explicitly stated that it re-weighed the evidence when addressing Appellant's non-prosecution for illegally casting a provisional ballot while ineligible to vote in 2004. The appellate court concluded that, "…*this evidence weighs in favor* of a conclusion that Mason did not realize in 2016 that she would be voting illegally by casting the provisional ballot." (emphasis added). *Mason III*, 687 S.W.3d at 785.

Second, and more egregious, the appellate court made inferences in the light least favorable to the verdict. For example, Appellant agreed that *anyone* who read the language of the affidavit would know that a felon on supervised release is not eligible to vote. RR 2:144–45. This permits the reasonable inference that Appellant understood her ineligibility vote if the evidence showed that she read the affidavit that day.[5] Instead of viewing the evidence in that light, the appellate court rejected that inference in light of Appellant's testimony "I understand it *now*," (emphasis added by appellate court), which the appellate court took to mean that "she did not understand the affidavit's importance at the time she voted." *Mason III*, 687 S.W.3d at 785. The appellate court's inference that Appellant *read but did not understand*

5 The evidence clearly supports a finding that Appellant read the affidavit. RR 2:71, 75-76, 86, 89, 102. The appellate court seems to concede that sufficient evidence establishes that she read the affidavit on the day she voted. *Mason III*, 687 S.W.3d at 784 ("We must look at the remaining evidence to determine if the trial judge could have reasonably inferred from that evidence and the fact that Mason read the affidavit language that she actually realized that she was ineligible to cast the provisional ballot.").

the affidavit turns her trial testimony on its head. Appellant's trial testimony was, instead, that the affidavit's language was clear; she simply had not read it. Thus, a more rational interpretation of her self-serving testimony "I understand it now," was that it was a mere repetition of her consistent trial testimony that she did not read the affidavit on the day she voted. RR 2:122, 125, 133, 134, 141, 158, 159, 160.

The appellate court impermissibly used evidence disfavoring the verdict (which the trial court was free to disregard) to negate favorable evidence, thereby misapplying the standard of review by reweighing the evidence. *See Williams*, 235 S.W.3d at 750; *see also Jackson*, 443 U.S. at 326, 99 S.Ct. at 2793 ("When the court is faced with a record of historical facts that supports conflicting inferences, it must presume – even if it does not affirmatively appear in the record – that the trier of fact resolved any such conflicts in favor of the prosecution.").

Ignoring Evidence Favorable to the Verdict

An appellate court is not allowed to ignore any evidence supporting the verdict. The standard instead requires a reviewing court to view *all* of the evidence in the light most favorable to the verdict. *Cary v. State*, 507 S.W.3d 750, 759 n.8 (Tex. Crim. App. 2016) (emphasis in original). That review includes circumstantial evidence from before, during and after the commission of the offense that shows the defendant's mental state. *Hammack*, 622 S.W.3d at 914-15; *see also Smith v. State*, 965 S.W.2d 509, 518 (Tex. Crim. App. 1998) (Because an accused's mental state is

usually "concealed within [her] own mind," intent and knowledge are most often proven through circumstantial evidence surrounding the crime"). Appellate courts reviewing that evidence may not employ a "divide and conquer strategy" for evaluating the evidence by "explaining away individual facts that, when considered together, would support a reasonable inference" proving an element of the offense. *Nisbett*, 552 S.W.3d at 262; *Murray*, 457 S.W.3d at 448-49.

Such a divide and conquer approach was employed herein when the appellate court explained away the evidence from Dietrich and Streibich that Appellant read and understood the affidavit before signing it. *See Mason III*, 687 S.W.3d at 780, 783-85. As detailed above, Appellant's testimonial admissions, combined with the testimony from Dietrich and Streibich, is compelling evidence that Appellant understood she was ineligible to vote on the day she voted. As such, the appellate court could only reach its conclusion that Appellant did not understand her ineligibility by discounting the testimony from Dietrich and Streibich, thus misapplying the standard of review. *Cary*, 507 S.W.3d at 759 n.8.

CONCLUSION

Considered together and viewed in the light most favorable to the verdict, evidence from Dietrich and Streibich combined with Appellant's own testimony is sufficient evidence for the trial court to rationally find that Appellant read and

understood the affidavit on the day she voted, regardless of her protestations to the contrary, and that she had actual knowledge of her ineligibility to vote based on her status as a convicted felon. Thus, this Court should disavow the appellate court's misapplications of the sufficiency standards and, upon reversal, find that the evidence sufficiently supports the trial court's verdict that Appellant committed the offense of illegal voting.

PRAYER

The State prays that this Court reverse and vacate the decision of the court of appeals and affirm Appellant's conviction for illegal voting.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

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Thomas Buser-Clancy	24078344	tbuser-clancy@aclutx.org	9/13/2024 10:56:36 AM	SENT
Alison Grinter	24043476	alisongrinter@gmail.com	9/13/2024 10:56:36 AM	SENT
Savannah Kumar	24120098	skumar@aclutx.org	9/13/2024 10:56:36 AM	SENT
Kim Cole	24071024	kcole@kcolelaw.com	9/13/2024 10:56:36 AM	SENT
Hani Mirza		hani@texascivilrightsproject.org	9/13/2024 10:56:36 AM	SENT
Sophia LinLakin		slakin@aclu.org	9/13/2024 10:56:36 AM	SENT
Christina Beeler	24096124	christinab@texascivilrightsproject.org	9/13/2024 10:56:36 AM	ERROR

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Stacey Soule		Stacey.Soule@SPA.texas.gov	9/13/2024 10:56:36 AM	SENT