



Court of Criminal Appeals Case Law Update

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By "All Time" I mean
September - May 2018
By "Cases" I mean
COA Cases
By "Greatest" I mean
Published Cases I picked
And by "10" I mean
OF ALL TIME
At least 15

"10"

- Kelvin O'Brien and three others planned jewelry heist
 - Stole four million in gold
 - Melted gold and sold it
- Engaging in Organized Criminal Activity by commission
 - Theft
 - Money laundering
- Jury charge treated predicate offenses as manner and means

O'Brien v. State,
May 2, 2018



O'Brien v. State,
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Does the jury have to be unanimous
about predicate offenses?

- CCA says no – 5 to 4
- Two – step analysis
 - What is gravamen of offense?
 - Lack of unanimity violate due process?
- Gravamen is circumstance of conduct
 - “one or more of the following”
- Predicate offenses are “morally and conceptually equivalent”

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[2018 Robert O. Dawson eConference on Criminal Appeals](#)

First appeared as part of the conference materials for the
2018 Robert O. Dawson Conference on Criminal Appeals session
"Significant Decisions of the Texas Court of Criminal Appeals"