

CAUSE NO. 23-00224-422-F

TREVOR RHEY MCEUEN	§	IN THE JUDICIAL DISTRICT
	§	
v.	§	COURT NUMBER <u>422</u> OF
	§	
THE STATE OF TEXAS	§	KAUFMAN COUNTY, TEXAS

Notice of Appeal

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW TREVOR RHEY MCEUEN, the Defendant, in the above-styled and numbered cause and hereby gives this Notice of Appeal from the FINAL JUDGMENT & SENTENCE in the above referenced case to the 422ND District Court in and for Kaufman County.

Respectfully submitted,

/S/ JUANITA BRAVO EDGECOMB

JUANITA BRAVO EDGECOMB
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WAXAHACHIE, TX 75165
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Attorney for Defendant

Certificate of Service

I hereby certify that a true and correct copy of the foregoing *Notice of Appeal* was served upon the Kaufman District Attorney (APPEAL) on the same date it was filed with this court.

/S/ JUANITA BRAVO EDGECOMB

JUANITA BRAVO EDGECOMB

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Juanita Edgecomb
Bar No. 24029529
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Envelope ID: 107616595
Filing Code Description: Notice
Filing Description: NOTICE OF APPEAL
Status as of 11/4/2025 7:54 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kaufman District Attorney		efilekaufmanda@kaufmancounty.net	11/3/2025 7:18:38 PM	SENT
JENNIFER PONDER		jennifer.ponder@kaufmancounty.net	11/3/2025 7:18:38 PM	SENT

(Cause # 200622-1-422-12 and all other cause to this name)

"Trevor Rhymer"

"Registers this plea on record" with copy sent back and certificate and issued. Thank you

10-9-25

After Court Briefing, for record.

- Your honor,

Confirming, that the officer of court stated we will hear these motions in court next week and that the court will send confirmation of exact date.

- motion to dismiss for errors to "hold harmless" under Texas rule 38.01
- motion to dismiss or suppress evidence for constitutional/statutory right violations
- motion to dismiss for prosecutorial vindictiveness / charging defendant for exercising legal right, this motion pertains to the "upgraded charge" and the "aggravated" for exercising legal right. I will provide case law from Texas which was dismissed with prejudice for upgrading "charge" from murder to capital murder for exercising legal right, only once, the motion in my cause will show 6 additional "charges" 7 total for exercising legal right. The Court of Appeals affirmed dismissal with prejudice for exercising legal right. Because the defendant provided the record answers when hearings and "charges" were filed for exercising legal right. The court noted that "it was present for all those hearings and saw the proceedings transpire as they did." "the trial judge is responsible for deciding "the ultimate factual issue based upon the evidence and credibility determination. As a result, we give the trial court's determination almost total deference, if they are reasonably supported by the record." "In the state to prosecute, however, it does not violate a defendant's Constitutional right to due process when criminal charges are brought in retaliation for the defendant's exercise of his legal rights." "In Galbardon, the state, however, misses the issue, the factual determination the trial court was required to make in this case was not whether the state had sufficient facts to seek capital murder, but whether it did so because Galbardon insisted on his right." "I simply find the states reasoning and explanations for its decision to reindict as not credible. I am therefore granting the defense motion to dismiss for Prosecutorial Vindictiveness." "we find dismissing the indictment with prejudice was necessary to neutralize the threat of the State's egregious conduct in this case. we, therefore, find the trial court did not abuse its discretion and create the states second issue."

Thank you for the meeting today and I look forward to presenting these motions to you. Thank you

U/R

Trevor

Prejudice means injury or detriment to one's legal right



CAUSE NO. 23-00224-422- COUNTY
INCIDENT NO. / TRN: 9246549481, D901
FILED FOR RECORD
JULY 23 2025

THE STATE OF TEXAS

V.

TREVOR RHEA MCEUEN
STATE ID NO. TX-20400401

2025 OCT 23 PM 5:14 IN THE 422ND DISTRICT COURT

§ RHONDA HUGHEY
§ DISTRICT CLERK
§

§ BY WR DEPUTY KAUFMAN COUNTY, TEXAS
§

JUDGMENT OF CONVICTION BY JURY

Judge Presiding: **Shelton T. W. Gibbs, IV**

Date Sentence Imposed: **10/23/2025**

Attorney for State: **Erleigh Wiley and Marc Moffitt**

Attorney for Defendant: **Jose Noriega**

Offense for Which Defendant Convicted: **CAPITAL MURDER BY TERROR THREAT/OTHER FELONY**

Charging Instrument: **Indictment**

Statute for Offense: **19.03 (a)(2)**

Date of Offense: **05/01/2023**

Plea to Offense: **Not Guilty**

Degree of Offense: **Capital Felony**

Findings on Deadly Weapon: **Yes, a firearm used.**

Verdict of Jury: **GUILTY**

1st Enhancement Paragraph: **N/A**

Finding on 1st Enhancement Paragraph: **N/A**

2nd Enhancement Paragraph: **N/A**

Finding on 2nd Enhancement Paragraph: **N/A**

Punishment Assessed by: **Court**

DATE SENTENCE COMMENCES:
(Date does not apply to confinement served as a
Condition of community supervision.) **10/23/2025**

Punishment and Place of Confinement: **LIFE in the Texas Department of Criminal Justice - Institutional Division**

THIS SENTENCE SHALL RUN: **Concurrently**

☐ SENTENCE OF CONFINEMENT SUSPENDED; DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR _____ MONTH(S) / YEAR(S).
(The document setting forth the conditions of community supervision is incorporated herein by this reference.)

☐ Defendant is required to register as a sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.

(For sex offender registration purposes only) The age of the victim at the time of the offense was **N/A** years old.

Fine: **\$-0-**

Restitution: **\$-0-**

☐ Restitution Payable to:
(See special finding or order of restitution
which is incorporated herein by this reference.)

Court Cost: **\$290.00**

Reimbursement Fees: **\$52.00**

Was the victim impact statement returned to the attorney representing the State: **NO**

(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? **No**

Total Jail Time Credit: If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

737 DAYS

 DAYS

Notes:

This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

Counsel/ Waiver of Counsel (select one)

☒ Defendant appeared with counsel.

☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

☐ Defendant was tried in absentia.

Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn, and the Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

Punishment Assessed by Jury / Court / No election (select one)

☐ Jury. Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.

☒ **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

☐ **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

In accordance with the jury's verdict, the Court Adjudges Defendant Guilty of the above offense. The Court Finds that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court Orders Defendant punished in accordance with the jury's verdict or Court's findings as to the proper punishment as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court Orders Defendant to pay the fine, court costs, and restitution, if any, as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court Orders the authorized agent of the state of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court Orders Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions in this paragraph. Upon release from confinement, the Court Orders Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ **County Jail—Confinement in Lieu of Payment.** The Court Orders Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court Orders Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ **County Jail—State Jail Felony Conviction.** Pursuant to §12.44(a), Tex. Penal Code, the court Finds that the ends of justice are best served by imposing confinement permissible as punishment for Class A misdemeanor instead of a state jail felony. Accordingly, Defendant will serve punishment in the county jail as indicated above. The Court Orders Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Upon release from confinement, the Court Orders Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court Orders Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, and restitution ordered by the Court in the cause.

☐ **Confinement as Condition of Community Supervision.** The Court Orders Defendant confined _____ days in the Kaufman County Jail as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Fines Imposed Include (check each fine and enter each amount as pronounced by the court):

- ☐ General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, Transp. Code, or other Code) \$ 0
☐ Child Abuse Prevention Fine (Art. 102.0186, Code Crim. Proc.) \$100.00
☐ EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) \$100.00
☐ Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) (Set by Judge) \$100.00
☐ Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) \$50.00 (\$50 only graffiti Offense)
☐ State Traffic Fine (§ 542.4031, Transp. Code) \$50.00
☐ Children's Advocacy Center Fine - as Cond of CS (Art. 42A.455, Code Crim. Proc.) \$50.00
☐ Repayment of Reward Fine - as Cond of CS (Art. 42A.301 (b) (20), Code Crim. Proc.) \$50.00
☐ DWI Traffic Fine (a/k/a Misc. Traffic Fines) (§ 709.001, Transp. Code) \$ _____

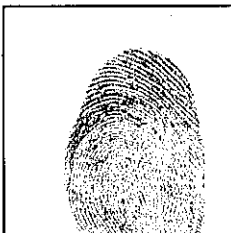
Execution of Sentence

☒ The Court Orders Defendant's sentence Executed. The Court Finds that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

Furthermore, the following special findings or orders apply:

- ☒ The Court enters an affirmative finding that the Defendant has been convicted of a felony.
☒ Defendant knowingly and voluntarily waives the right to an indigency hearing on fees, fines, and court costs (including attorney's fees, probation fees, and any other CSCD fees) and agrees to this assessment.
☐ The Court conducted a hearing to determine the Defendant's indigency status. At the conclusion of the hearing:
☐ The Court makes an affirmative finding that the Defendant remains indigent. Accordingly, the traffic fine associated with certain intoxication-related convictions under Texas Transportation Code § 709.001 shall not apply.

Signed on this the 23rd day of October, 2025.



Right Thumb

JUDGE PRESIDING

This is to certify that the fingerprints above are the above-named defendant's fingerprints taken at the time of disposition of the above styled and number cause.

Done in Court on this the 23rd day of October, 2025.

District/County Clerk or Bailiff

4638

Attachment B to Judgment

VICTIM RESTITUTION SHEET FOR CAUSE NO. 23-00224-422-F

CHECK ALL THAT APPLY:

☐ DPS Laboratory Reimbursement to DPS Restitution Accounting, P.O. Box 4087, Austin, Texas 78773-0130.
Amount of Restitution: **\$140.00, \$180.00, OR \$60.00** (CIRCLE THE AMOUNT)

☐ Restitution to Victim 1: Amount: \$ _____ Name: _____ Address: _____	☐ Restitution to Victim 2: Amount: \$ _____ Name: _____ Address: _____
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ORDERS BY THE COURT REGARDING PAYMENTS

Defendant is ordered to pay all fines, court costs, restitution, and DPS Laboratory Reimbursement as set out in the attached judgment or order as follows:

The following obligations are time-served:

☐ Fine ☐ Court Costs

The following obligations are to be paid in full to the Kaufman County Collections Department on the day judgment or order is entered:

☐ Fine ☐ Court Costs ☐ Restitution ☐ DPS Laboratory Reimbursement

The following obligations are to be paid in installments as arranged with the Kaufman County Collections Department:

☐ Fine ☒ Court Costs ☐ Restitution ☒ Reimbursement Fee

The following obligation is to be paid in installments as arranged with the Kaufman County District Attorney's Office:

☐ Theft by Check Restitution

SPECIAL FINDINGS, CONSIDERATIONS, OR ORDERS BY THE COURT

☐ 12.45 Agreement - The Court approves the 12.45 agreement entered into by the State and the Defendant and takes offenses contained within said agreement into consideration of sentencing.

☐ Family Violence Finding - The Court finds that Defendant was prosecuted for an offense under Title 5 of the Penal Code that involved family violence. TEX. CODE CRIM. PROC. art. 42.013.

☒ Deadly Weapon Finding - The Court finds that a deadly weapon as defined in Section 1.07, Penal Code, was used or exhibited during the commission of the offense or during the immediate flight there from, and that the defendant used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited.

☐ Drug Freer Zone - The Court finds that the allegations contained within the indictment that defendant did commit said offense(s) within a drug free zone pursuant to HSC Sec. 481.134 are true.

☐ DWI Ignition Motor Interlock - The defendant shall install, on each motor vehicle owned or operated by defendant, a device that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator. This order shall be in effect from the date of this judgment until the date of the first anniversary after the ending of the period of driver's license suspension imposed under Section 521.344, Transportation Code. Defendant shall obtain the device(s) at the defendant's own cost on or before that ending date. Defendant shall provide evidence to the Court on or before that ending date that the device has been installed on each appropriate vehicle, and the devices shall remain on each appropriate vehicle until the first anniversary after the ending of the period of such driver's license suspension. Defendant shall not operate any motor vehicle that is not equipped with that device.

☐ Diligent Participation - The Court finds that the defendant is presumptively entitled to diligent participation credit in accordance with Section 15(h), Article 42.12.