Affirmed and Opinion Filed January 29, 2026

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-25-00787-CR

WENDELL LANCASTER, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 422nd Judicial District Court
Kaufman County, Texas
Trial Court Cause No. 24-50179-422-F

MEMORANDUM OPINION

Before Justices Goldstein, Breedlove, and Kennedy
Opinion by Justice Goldstein

Wendell Lancaster appeals his murder conviction. A jury convicted appellant and sentenced him to imprisonment for life. In a single issue, Lancaster asserts the trial court erred in denying his request to charge the jury on the issue of self-defense. We affirm the trial court's judgment.

BACKGROUND

In June 2024, Lancaster was indicted on a charge of murder. Specifically, the indictment alleged Lancaster, on or about April 10, 2024, intentionally and knowingly caused the death of Breanna Mendosa by shooting her with a firearm.

At trial in June 2025, Wills Point police officer Trenton Fischer testified he was employed by the Terrell police department on April 10, 2024, when he responded to a shots fired call at Mendosa's residence. When Fischer arrived at the scene, he observed Lancaster "standing in the driveway next to a white vehicle." Before Fischer asked Lancaster any questions, Lancaster "stated that the gun he'd killed her with was sitting on the car." Fischer "cleared the weapon" to make sure it was not loaded and placed it inside his patrol car.

Fischer then searched the area around the property in an attempt to locate Mendosa. Fischer found the door to Mendosa's house open and "noticed blood in the doorway." Fischer followed "a blood trail leading towards the back of the residence" and found Mendosa, with her pants "down around her ankles," lying in the back bedroom. Fischer "observed a black nightstand over her upper portion of her body," and he removed the nightstand. Mendosa was moaning and had "shallow rapid breathing." There was "a large amount of blood soaking into her clothing on the front of her shirt, so [Fischer] began to look for entry wounds." Fischer saw "a bullet hole in the top portion of her chest." Mendosa was transported to the hospital where she later died.

Snyder police officer Tiffany Key testified she was employed by the Terrell police department on April 10, 2024, when she responded to a shooting call, and officers had Lancaster in custody when she arrived. Key later interviewed Lancaster after advising him of his *Miranda* rights. A video of the interview was entered into

evidence and played for the jury. In response to requests for clarification from the prosecutor, Key testified Lancaster said in the interview that he gave Mendosa "a hundred dollars and she took his billfold without his knowledge." Lancaster said he gave Mendosa the hundred dollars "out of the kindness of his heart." Key testified Lancaster said he was "riding around" with Mendosa and "Mabel and Johnny Ray and they went and got some beer." After "the two other people that they were with went home," Lancaster and Mendosa went to Whataburger to get a hamburger. Lancaster then dropped off Mendosa at her house but discovered his billfold was missing. Lancaster "went and asked" Mendosa about the billfold and "knocked on her door and asked her about it and she said she didn't have it." Key asked Lancaster "what he did after that," and he said, "I killed her." Lancaster "said that he shot her with the gun that he keeps in his car" and initially identified the gun as a "9-millimeter" and "then said no, it was actually a .380." Key testified she was given "the gun that was recovered on scene," and it was a .380. Lancaster "said that he didn't go back inside of his house afterwards" but "called the police and told them what he did." Key testified there were no weapons, no wallet, and no billfold found in Mendosa's house, although three bullet casings were found along with a "bullet hole in the wall."

Lancaster testified in his own defense. Lancaster saw Mendosa "early" on April 10, 2024, when he was at Mabel's house. "They wanted to go to the store to get some beer," and Lancaster volunteered to drive Mabel, Johnny Ray, and

Mendosa to the store. Lancaster, seventy years old at the time of trial, and the others had "been knowing one another for 30, 40 years." After going to the store and coming back to Mabel's house, Lancaster got ready to go home. Mendosa "asked for a ride to the house," and Lancaster gave Mendosa a ride. Mendosa "wanted to get a hamburger and a coke at Whataburger," so Lancaster took her "straight to Whataburger." While in line at Whataburger, Lancaster took out his billfold in which he had two "old wrinkled up twenties" and six hundred-dollar bills. Mendosa "was sitting up on the window like with her head down where you couldn't even see," and the only time she looked at Lancaster was when he "gave her a hundred dollars because she was looking pitiful." Mendosa was in "bad shape," and Lancaster "felt sorry for her" and "gave her a hundred-dollar bill to buy the social services, which is water, soap, water, and, and detergent and that stuff to clean the house with, whatever she needed."

Mendosa was wearing "some kind of a raincoat," and she "got a sack from somewhere," pulled out a makeup kit, and put the hundred dollars in the makeup kit. Lancaster pulled down to "where you get your hamburger" and opened his car door so he could lean out and "pick up the soda water and stuff." Mendosa put the "soda water and the French fries" down "behind the floorboard" and also "pulled her sack out" and put it down after putting Lancaster's billfold in the sack. Mendosa "caught [Lancaster] looking at it," and "that's when [Mendosa] got offensive." Mendosa took

a knife out of her makeup kit and "put the knife in her pocket and put the kit back up."

When Lancaster "got to reach to get the hamburger," Mendosa suddenly started "beating [Lancaster] all in the head." Mendosa "pulled a gun and put that gun up and hit [Lancaster] with the gun too." It took "three or four seconds" for Lancaster to realize he was "getting beat up and robbed." Lancaster described the struggle that followed:

> She, she pulled that pistol out on me. And then I got away from her while I was fighting with her for the pistol. Get it out of my face. I moved on down. I stopped a little bit at the second door, that door that lets you inside. Because the gun was pointed at the people. We were fighting with the gun, and, and I couldn't get the gun out of her hand. So what I'm trying to say is I pushed her and I hurt her hand a little bit. But like I say, what I'm trying to say is this. She had that gun on me all the way from there to back to her house.

When Lancaster arrived at Mendosa's house, Mendosa got out of the car. Lancaster "went home and backed up in [his] yard and rested." Lancaster went back to Mendosa's house "to ask her for his phone because [he] had some work to do" and had "some business at the bank with the loan officer." Lancaster knocked on Mendosa's door and "asked about ten or twelve times for [his] billfold." Mendosa "just laughed." Mendosa's "whole front door fell off," and Lancaster took "[j]ust one step" inside. Lancaster could not tell whether or not Mendosa was armed, but he had "known her to be armed before." Lancaster "didn't even see [Mendosa's] arm," but he knew "she took the gun in the house," and "she had it in the car the whole trip back." A "police siren came on and made [Lancaster] nervous," and Mendosa said,

"You going to get shot." Lancaster felt "threatened or in fear" because the "police siren went off," and Mendosa had his billfold and "called the police as if [Lancaster] was the thief."

Lancaster shot Mendosa "because the ambulance and all the police were coming." Lancaster fired his weapon three times, and Mendosa "dropped down." Lancaster went to his car and got his telephone, which he used to call 911 "and let them know [he] had shot [Mendosa]."

Dallas County medical examiner Travis Danielsen testified Mendosa's autopsy was performed by another doctor, but Danielsen was present for parts of the autopsy, and he reviewed the autopsy report. The autopsy showed Mendosa had two gunshot wounds: an entrance gunshot wound on the lower left side of her neck and another entrance gunshot wound on the back of her head. An x-ray of Mendosa taken before the autopsy showed the bullet was still in her skull.

At the charge conference outside the presence of the jury, Lancaster requested that the charge include "the self-defense instruction along with a deadly force instruction along with an apparent danger instruction." In support of this request, Lancaster made the following argument:

> I believe that from defense perspective we have -- the standard is to present some evidence, whether little or none or a lot, sorry, that self-defense is applicable in this case. And so we'd argue the defendant did testify that he was in fear. He testified that she had a weapon. I will admit that on cross he did not see that weapon at the time. However, there is testimony of a previous weapon. And so we'd ask that self-

> defense be included in the charge along with apparent danger, knowing that she had a weapon.

In response, the State raised the following objection:

> State would object to having a self-defense as an instruction in the jury charge. First, Your Honor, they did not prevent, present any evidence that there was self-defense. First off, there was a cooling period between the time he dropped, the defendant dropped off our victim and when he came back and shot her. He testified that he dropped her off, went to his house, was an adequate cooling period. He said, I rested in my car. He came back with a weapon, unlawfully carried it onto her premises, and started an argument or a confrontation or an exchange and then shot her without seeing a weapon. And admittedly, he may have said, I feared about getting arrested. He heard the sirens and feared about that, not her unlawful force against him.

In addition, the State pointed out that Lancaster was "the one who initiated this encounter" and unlawfully carried a firearm onto Mendosa's premises and "sought an explanation of a disagreement." Lancaster countered that there is "nothing unlawful about him carrying a weapon," "he was carrying the weapon the entire evening," and "[h]e kept a weapon in his pocket." Lancaster argued that this was a "continuing course of conduct in that from when he drops her off to go, you know, those three blocks or so to his house and then returns momentarily thereafter."

The trial court summarized its understanding of the evidence establishing the sequence of events from Lancaster's testimony was as follows:

> that he goes and confronts her, says give me my wallet. She's on the phone. He assumes that she's calling the police. He leaves the door. He goes to the middle of the yard and prays and cries. He weeps. I'm not sure he said that, but it was along those lines. And then at some point after that there's no mention of a confrontation or anything else. She's shot, and he shoots her. And then when she's, when she's on the ground, he shoots her in the shoulder.

Lancaster agreed that "there was some kind of back and forth on was he afraid of the police showing up or was he afraid of her? But . . . he did say . . . 'I feared for my life' at some point in the testimony . . . that . . . rises to the level of that it should be included in the jury charge itself."

The trial court sustained the State's objection based on all the evidence and found that there was not sufficient evidence to "find that self-defense would be applicable based on these facts." Lancaster, for record purposes, identified Exhibit No. 1 as the "proposed language for the jury charge," which the trial court admitted for record purposes and sustained the objection.

The jury subsequently convicted Lancaster of murder, and this appeal followed.

ANALYSIS

In a single issue, Lancaster asserts the trial court erred in denying his request to charge the jury on the issue of self-defense. Specifically, Lancaster complains that the evidence, viewed in the light most favorable to him, raised the issue of self-defense; the trial court had a duty to instruct the jury on the law applicable to all issues in the case, including self-defense; and the trial court therefore erred in refusing to include a self-defense instruction.

Reviewing claims of charge error is a two-step process. *Campbell v. State*, 664 S.W.3d 240, 245 (Tex. Crim. App. 2022) (citing *Ngo v. State*, 175 S.W.3d 738, 743 (Tex. Crim. App. 2005)). First, we must determine whether error exists. *Id.*

Second, if there is error, we must decide whether the appellant was harmed and if the harm is sufficient to warrant reversal. *Cyr v. State*, 665 S.W.3d 551, 556 (Tex. Crim. App. 2022) (citing *Wooten v. State*, 400 S.W.3d 601, 606 (Tex. Crim. App. 2013)).

The purpose of the trial court's charge "is to inform the jury of the applicable law and guide them in its application to the case." *Delgado v. State*, 235 S.W.3d 244, 249 (Tex. Crim. App. 2007) (quoting *Hutch v. State*, 922 S.W.2d 166, 170 (Tex. Crim. App. 1996)). Charge error stems from the denial of a defendant's right to have the trial court provide the jury with instructions that correctly set forth the "law applicable to the case." *Bell v. State*, 635 S.W.3d 641, 645 (Tex. Crim. App. 2021) (quoting TEX. CODE CRIM. PROC. art. 36.14). Because the trial court is obligated to correctly instruct the jury on the law applicable to the case, it is ultimately responsible for the accuracy of its charge and the accompanying instructions. *Mendez v. State*, 545 S.W.3d 548, 552 (Tex. Crim. App. 2018) (citing *Delgado*, 235 S.W.3d at 249). Therefore, when the charge is inaccurate, the trial court errs, and the error is subject to the appropriate harm analysis. *See Bell*, 635 S.W.3d at 645.

To be entitled to a deadly-force self-defense instruction, Lancaster was required to present some evidence triggering penal code section 9.32, "whether that evidence is strong or weak, unimpeached or contradicted, and regardless of what the trial court may think about the credibility of the defense." *Gamino v. State*, 537 S.W.3d 507, 510 (Tex. Crim. App. 2017). In reviewing the denial of a requested self-

defense instruction, we view the evidence in the light most favorable to the requested submission to determine whether evidence from any source will support the elements of the defense. *Id.*; *see also Krajcovic v. State*, 393 S.W.3d 282, 286 (Tex. Crim. App. 2013) ("[E]ven a minimum quantity of evidence is sufficient to raise a defense as long as the evidence would support a rational jury finding as to the defense.").

A person commits murder if he (1) intentionally or knowingly causes the death of an individual or (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual. TEX. PENAL CODE § 19.02(b)(1)–(2). However, it is a defense to prosecution that the conduct in question is justified under Chapter 9 of the penal code. *Id.* § 9.02. A person is justified in using force against another when and to the degree the actor reasonably believes the force is immediately necessary to protect the actor against the other's use or attempted use of unlawful force. *Id.* § 9.31(a). A person is justified in using deadly force against another if the actor would be justified in using force against the other under section 9.31 and when and to the degree the actor reasonably believes the deadly force is immediately necessary to protect the actor against the other's use or attempted use of unlawful deadly force. *Id.* § 9.32(a). A "reasonable belief" is "a belief that would be held by an ordinary and prudent man in the same circumstances as the actor." *Id.* § 1.07(a)(42). To justify the submission of the instruction, the evidence does not need to show that the victim was actually using or attempting to

use unlawful deadly force, because a person has the right to defend himself from apparent danger as he reasonably apprehends it. *Jordan v. State*, 593 S.W.3d 340, 343 (Tex. Crim. App. 2020).

Even if we believe all of Lancaster's testimony, self-defense is not a viable theory of defense in his case. *See generally Simpson v State*, 05-01-01817-CR, 2003 WL 103394 (Tex. App.—Dallas Jan. 13, 2003, no pet.) (not designated for publication). Viewing the evidence in the light most favorable to the requested self-defense submission, Lancaster's testimony indicated he felt "threatened or in fear," but not because Mendosa had a gun, which Lancaster did not see at the time he shot her. *See Gamino*, 537 S.W.3d at 510. Instead, Lancaster's testimony established Mendosa "called the police as if [Lancaster] was the thief," and Lancaster shot Mendosa "because the ambulance and all the police were coming." In context, Lancaster's testimony indicated that Mendosa may have had a gun at Whataburger and on the ride home, but Lancaster safely left Mendosa and went home where he "rested" before going back to Mendosa's house and demanding his wallet while Mendosa called the police. Lancaster then shot at Mendosa three times, hitting her twice, including once in the back of the head. Lancaster did not claim Mendosa had a gun when he shot her, and no weapon was recovered from Mendosa's house. Moreover, no billfold was recovered from Mendosa's house, Mendosa was discovered with her pants pulled down in a back bedroom of the house. Lancaster's testimony of the sequence of events does not support justifiable conduct in the face

of continuing danger or the inability to retreat. *See, e.g., Halbert v. State*, 881 S.W.2d 121, 125 (Tex. App.—Houston [1st Dist.] 1994, pet. ref'd) (self-defense instruction appropriate when shooter's larger boyfriend was advancing on her making verbal threats to kill her) (distinguished by *Simpson*, 2003 WL 103394 at *3). We conclude Lancaster's testimony, the only evidence that Lancaster felt "threatened or in fear," did not establish that Lancaster had a reasonable belief that deadly force was immediately necessary to protect himself against Mendosa's use or attempted use of unlawful deadly force. *See* TEX. PENAL CODE § 9.32(a); *Gamino*, 537 S.W.3d at 510. On this record, we conclude the evidence did not support an instruction on self-defense; thus, the trial court did not err in denying Lancaster's request to so charge the jury. *See Bell*, 635 S.W.3d at 645; *Gamino*, 537 S.W.3d at 510*: Simpson*, 2003 WL 103394 at *3. We overrule Lancaster's sole issue.

CONCLUSION

We affirm the trial court's judgment.

/Bonnie Goldstein/
BONNIE LEE GOLDSTEIN
JUSTICE

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