

**IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO**

NO. 07-04-0500-CR

MATTHEW GONZALES,
Appellant
V.
THE STATE OF TEXAS,
Appellee

**APPEAL FROM THE 251ST DISTRICT COURT
POTTER COUNTY, TEXAS**

**BRIEF OF APPELLANT
CRIMINAL APPEAL**

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CERTIFICATE OF INTERESTED PERSONS

I hereby certify that the following individuals have an interest in this case. I make these representations in order that the members of this Court may evaluate possible disqualifications or recusal.

<i>Trial Judge:</i>	Honorable Pat Pirtle
<i>Attorney for the State:</i>	Mr. Charles Slaughter
<i>Appellant:</i>	Matthew Gonzales
<i>Trial Counsel:</i>	Brooks Barfield
<i>Appellate Counsel:</i>	Warren L. Clark

Warren L. Clark

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THE EVIDENCE IS FACTUALLY INSUFFICIENT TO SUPPORT
THE JURY’S IMPLIED FINDING THAT APPELLANT’S USE OF
DEADLY FORCE AGAINST THE COMPLAINANT WAS NOT
JUSTIFIED WHEN CONTRASTED WITH THE GUILTY VERDICT
FOR AGGRAVATED ASSAULT WITH A DEADLY WEAPON.

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STATUTES AND CODES

§ 9.31 TEXAS PENAL CODE ANN. 9,11

§ 9.32 TEXAS PENAL CODE. ANN. 9