



**Court of Appeals
Sixth Appellate District of Texas**

J U D G M E N T

Ashley Eva Morrison, Appellant

No. 06-17-00159-CR v.

The State of Texas, Appellee

Appeal from the 6th District Court of Lamar County, Texas (Tr. Ct. No. 26166). Opinion delivered by Justice Burgess, Chief Justice Morriss and Justice Moseley* participating. Justice Moseley, Retired, Sitting by Assignment.

As stated in the Court’s opinion of this date, we find reversible error in the judgment of the court below. Therefore, we reverse the judgment of conviction and sentence and remand this case to the trial court for a new trial. We also direct the trial court to, on remand, suppress both sets of both defense counsel’s and the defense investigator’s billing records, together with all prior or future testimony or evidence which derives from those billing records as “fruit of the poisonous tree.” We make no ruling on Morrison’s request for a new trial judge, new prosecutor, and new defense counsel. We also make no ruling on whether—on remand—any Sixth Amendment violations have occurred as a result of the State’s possession of the second set of billing records and, if so, whether suppression of those records is sufficient to remedy such violations. Moreover, because our holdings on the points of error resolved in this opinion are dispositive, we do not address Morrison’s remaining points of error. Finally, we direct the trial court to take all other actions consistent with this opinion.

We further order that the appellee, the State of Texas, pay all costs of this appeal.

RENDERED MARCH 27, 2019
BY ORDER OF THE COURT
JOSH R. MORRISS, III
CHIEF JUSTICE

ATTEST:
Debra K. Autrey, Clerk