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March 20, 2026

**Via Email, Regular and Certified Mail 9782 2875 2583 6841**

Ms. Bonnie Jean Bonaparte  
4545 Bad Luck Lane  
San Antonio, TX 78217

*Attorney-Client Communication – Privileged and Confidential*

Re: Resisting Arrest Charge

Dear Ms. Bonaparte:

I am writing in response to your mention of the *Young v. State*, 622 S.W.2d 99 (Tex. Crim. App. 1981) case relating to your resisting arrest charge. Unfortunately, I have been unable to reach you by phone; otherwise, I would have discussed this matter with you directly.

To evaluate your situation and provide you with an accurate legal opinion, I will first summarize the facts as they are currently understood. To determine how the law applies to your situation, it is helpful to review how courts have ruled in similar cases.

You mentioned the *Young* case that was thrown out on appeal in 1980 or 1981. *Young* was arrested at the concert venue by Officer Smith without incident. After the arrest, officers attempted to change his handcuffs at the security office, at which point he resisted. The officers at the security office charged *Young* with resisting arrest. On appeal, the court determined that the arrest had already been completed without incident and concluded that *Young* did not resist arrest. The court reversed the judgment and reformed it to show an acquittal.

In addition to case law, the applicable statute provides the legal standard for resisting arrest. Under Tex. Penal Code Ann. § 38.03, an individual is deemed to be resisting arrest when, “if he intentionally prevents or obstructs a person he knows is a peace officer or a person acting in a peace officer’s presence and at his direction from effecting an arrest, search, or transportation of the actor or another by using force against the peace officer or another.”

Applying this legal standard to your situation, the *Young* case and your case are very different. *Young*'s official arrest was completed without incident before any resistance occurred

The facts, as reflected in the police report and your statements, are as follows. The officers came to your home and presented a warrant for your arrest on charges of theft by check. As the officers attempted to place you in handcuffs, you pulled away, swung your arms, and scratched one of the officers on the face with your nails. Based on these actions, you were charged with resisting arrest under Tex. Penal Code Ann. §38.03. There is no factual discrepancy between your version of events and that of the arresting officers.

Courts have also addressed similar conduct in other cases, which further clarify how the law is applied. In the case of *Molina v. State*, 754 S.W.2d 468 (Tex. App.—San Antonio 1988, no pet.), where Molina appealed his judgment for resisting arrest, the Texas Court of Appeals affirmed the conviction of resisting arrest due to Molina's actions at the time of arrest, where he intentionally resisted by pushing the officer's hand away. Molina's case is similar to yours, in which both of you obstructed the officers from effecting an arrest.

In contrast, in *Raymond v. State*, 640 S.W.2d 687 (Tex. App.—El Paso 1982, pet. ref'd), Raymond was convicted of resisting arrest but appealed his conviction, stating that there was not enough evidence to prove "show force". In his situation, he pulled his arm out of the arresting officer's grasp. The court found that merely pulling one's arm away from an officer did not constitute sufficient force to support a conviction for resisting arrest. Raymond's conviction was reversed and remanded for entry of a not guilty verdict. In comparison to your case, both your statement and the police report state that you swung your arms wildly, scratching an officer, which will likely be considered sufficient force.

Based on the statute and the case law discussed above, the likely outcome of your resisting arrest charge can be assessed. In my opinion, a successful dismissal of the resisting arrest charge is extremely unlikely. This conclusion is based on the facts available to us today, the applicable laws, and the courts' interpretations of actions involving physical resistance during an arrest.

To further explain, the law requires intentional conduct and the use of force against a peace officer. In your situation, it was confirmed by your statement and by the police report that you pulled away, swung your arms wildly, and scratched an officer with your nails. The court is likely to view your actions as intentional because you were pulling away and swinging your arms wildly, and showed force because swinging your arms wildly led to scratching the officer.

Regarding the theft-by-check charge, I currently do not have sufficient information to provide an opinion. Based on your statement that you did not write those checks, you may believe that the arrest itself was invalid. However, under Tex. Penal Code Ann. § 38.03(b), it is not a defense to a resisting-arrest charge that the underlying arrest was unlawful. Therefore, whether or not you wrote the checks does not affect whether the court can find that you resisted arrest.

Given these circumstances, it is important that we prepare appropriately for your upcoming court appearance. Your case is set for its first appearance on April 1, 2026, at 9:30 am. Meet me at County Court at Law 4. It is very important that you are there for this first

appearance. While there, I will have the opportunity to review the District Attorney's files against you for both charges and get a better understanding of the evidence against you.

Please make every effort to attend this hearing, as it is an important step in your case. I look forward to discussing this matter further with you.

Sincerely,

Law Offices of David Defender  
David Defender, Attorney at Law  
DD:nl