



**In the Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-24-00011-CV

THE STATE OF TEXAS, Appellant V. 5 GAMBLING MACHINES, Appellees

On Appeal from the 336th District Court Fannin County, Texas
Trial Court No. CV-23-46217

Before Stevens, C.J. van Cleef and Rambin, JJ. Memorandum Opinion by Justice Rambin
Chief Justice Stevens dissenting without opinion

MEMORANDUM OPINION

Following a post-seizure show-cause hearing,¹ the trial court determined that five devices seized from a Fannin County convenience store are not gambling devices as that term is defined in Section 47.01(4) of the Texas Penal Code. See TEX. PENAL CODE ANN. § 47.01(4). The trial court made its ruling via thirty-four findings of fact and twenty-one conclusions of law. As a result of those findings and conclusions, the trial court ordered the return of the devices themselves, as well as the return of cash seized at the same time as the devices.

Given the deferential standard of review, we affirm.

I. Review of the Trial Court’s Factual Findings

The State asserts that “[t]he trial court erred in finding that the devices seized were not gambling devices and the cash seized did not constitute proceeds from gambling.”

Conclusion

Based on the circumstances of this case—the evidence presented to the trial court, the factual findings of the trial court, the issue presented on appeal, and the deferential standard of review—we affirm the challenged factual findings of the trial court.

We affirm the trial court’s judgment.

Jeff Rambin
Justice

Date Submitted: October 9, 2024

Date Decided: April 30, 2025

