

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Thomas Joseph Radford, Jr. v. the State of Texas

Radford v. State · No. 01-24-0715-CR · Decided March 31, 2026

SUMMARY

The Texas Court of Appeals for the First District affirmed Thomas Joseph Radford, Jr.’s conviction for sexual assault and eleven-year sentence. The court held that the evidence was legally sufficient to establish lack of consent and Radford’s knowledge that the complainant was unconscious and did not consent.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Clint Morgan; Gunn; Caughey; Morgan
JURISDICTION	Texas Court of Appeals for the First District
DECIDED	March 31, 2026
DOCKET	01-24-0715-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a jury conviction for sexual assault and an eleven-year sentence, challenging the sufficiency of the evidence.
STANDARD OF REVIEW	The evidence is viewed in the light most favorable to the verdict, and the reviewing court determines whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. The reviewing court may not reevaluate the weight or credibility of the evidence or act as a thirteenth juror.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked Do Not Publish.
PARTIES	Thomas Joseph Radford, Jr. v. The State of Texas

TOPICS

- criminal procedure
- standard of review
- appellate procedure
- burden of proof
- evidence

PRACTICE AREAS

- criminal law
- criminal procedure
- sexual assault
- appellate law

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support Radford's sexual-assault conviction when the complainant was unconscious when the sexual encounter began.
2. Whether the evidence was legally sufficient to establish that Radford knew the sexual encounter was without the complainant's consent.

HOLDINGS

1. The evidence was sufficient to establish lack of consent because the complainant was unconscious from drugs supplied by Radford when he began having sex with her, and she testified that she did not consent.
2. The evidence was sufficient for a rational jury to find that Radford knew the sexual encounter was without consent.
3. Viewing the evidence in the light most favorable to the verdict, a rational factfinder could have found the essential elements of sexual assault beyond a reasonable doubt.

KEY QUOTATIONS

“On sufficiency review we must view the evidence in the light most favorable to the verdict, determining only whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” (at 2)

“Evidence that the complainant was unconscious due to voluntary intoxication is sufficient to prove lack of consent.” (at 3)

“The evidence is sufficient to allow a reasonable factfinder to conclude, beyond a reasonable doubt, the appellant knowingly had sex with Roberta without her consent.” (at 4)

FACTUAL BACKGROUND

The complainant, identified by pseudonym as Roberta, took Xanax supplied by Radford after telling him she intended to use additional pills to kill herself. She became unconscious, and when she awoke she observed that Radford had positioned her and was having sex with her. Radford stopped when she opened her eyes and then behaved as though nothing had happened. Roberta testified that she had not consented to sex with Radford.

PROCEDURAL HISTORY

A jury convicted Radford of sexual assault and assessed punishment at eleven years' confinement. Radford appealed to the First Court of Appeals, arguing that the evidence did not establish lack of consent or his knowledge that the sexual encounter was nonconsensual. The court overruled his sole point of error and affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- Brooks v. State, 323 S.W.3d 893, 899 (Tex. Crim. App. 2010)
- Williams v. State, 235 S.W.3d 742, 750 (Tex. Crim. App. 2007)
- Garcia v. State, 367 S.W.3d 683, 687 (Tex. Crim. App. 2012)
- Wilson v. State, 473 S.W.3d 889, 897 (Tex. App.—Houston [1st Dist.] 2015, pet. ref'd)
- Gutierrez v. State, 668 S.W.3d 46, 52 (Tex. App.—Houston [1st Dist.] 2022, pet. ref'd)
- Torres v. State, 794 S.W.2d 596, 598 (Tex. App.—Austin 1990, no pet.)

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