

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

Alan Angelo Navarro v. the State of Texas

Alan Angelo Navarro v. State, Nos. 04-24-00711-CR & 04-24-00712-CR (Tex. App.—San Antonio Feb. 25, 2026) (mem. op.) · No. 04-24-00711-CR & 04-24-00712-CR · Decided February 25, 2026

SUMMARY

The Fourth Court of Appeals of Texas affirmed Alan Angelo Navarro’s convictions for two counts of sexual assault and one count of felony assault. The court held that testimony from Navarro’s ex-wife regarding prior violence was admissible to rebut his defensive theories and show the charged conduct was intentional rather than accidental. The court also concluded that any error would have been harmless and that Navarro failed to preserve his Rule 403 objection.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Lori Massey Brissette, Justice; Irene Rios, Justice; Adrian A. Spears II, Justice
JURISDICTION	Texas Court of Appeals, Fourth District, San Antonio
DECIDED	February 25, 2026
DOCKET	04-24-00711-CR & 04-24-00712-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Navarro appealed his convictions and concurrent sentences for two counts of sexual assault and one count of felony assault, arguing that the trial court improperly admitted character and extraneous-act evidence concerning his former wife.
STANDARD OF REVIEW	The admission of evidence is reviewed for abuse of discretion. The ruling is upheld if it is within the zone of reasonable disagreement, and an abuse occurs only when the trial court acts without reference to guiding rules and principles or arbitrarily or unreasonably. Any preserved nonconstitutional error is disregarded under Texas Rule of Appellate Procedure 44.2(b) if it did not affect substantial rights.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not for publication.
PARTIES	Alan Angelo Navarro v. The State of Texas

TOPICS

character evidence

evidence

criminal procedure

preservation of error

harmless error

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by admitting testimony from Navarro's ex-wife concerning violence during their marriage.
2. Whether Navarro's running objection preserved an evidentiary challenge to the ex-wife's testimony.
3. Whether admission of the ex-wife's testimony, even if erroneous, was harmless under Texas Rule of Appellate Procedure 44.2(b).
4. Whether Navarro preserved a challenge under Texas Rule of Evidence 403.

HOLDINGS

1. The running objection did not preserve the challenge because it addressed evidence of incidents between Navarro and NQ, whereas the appellate complaint concerned testimony about violence during Navarro's marriage to his ex-wife. Navarro's separate objection outside the jury's presence did preserve error as to the ex-wife's testimony.
2. The trial court did not abuse its discretion by admitting the ex-wife's testimony. Although the trial court appeared to rely on rebuttal character evidence under Rule 404(a)(2)(A), the evidence was independently admissible under Rule 404(b)(2) to rebut Navarro's defensive theory that the charged violence was accidental or resulted merely from pushing NQ away.
3. Even assuming the admission of the ex-wife's testimony was error, reversal was not warranted because the nonconstitutional error did not affect Navarro's substantial rights.
4. Navarro's Rule 403 challenge was not preserved because he did not make a Rule 403 objection to the ex-wife's testimony in the trial court.

KEY QUOTATIONS

"Accordingly, we hold the trial court's decision to allow the testimony of Navarro's ex-wife was within the zone of reasonable disagreement and does not constitute an abuse of discretion." (at 9)

"Even assuming error was found, it is clear the trial court's admission of the ex-wife's testimony would not warrant a reversal." (at 10)

FACTUAL BACKGROUND

Navarro was accused of beating and strangling NQ, his former dating partner, and forcing her to engage in sexual acts without consent during an October 26, 2022 incident. NQ testified that Navarro had controlled and abused her throughout their relationship, and the State introduced extensive evidence of her injuries and physical evidence from the vehicle. During his defense, Navarro presented his current girlfriend to testify that he was not violent and had changed, after which the State presented testimony from Navarro's ex-wife that he had been

violent during their nine-year marriage. Navarro maintained that NQ was the aggressor, that her injuries were accidental or exaggerated, and that the sexual acts were consensual.

PROCEDURAL HISTORY

A jury convicted Navarro on all three counts and assessed concurrent sentences of thirty years for each sexual-assault count and twenty years for felony assault, enhanced by a prior felony drug conviction. The trial court adopted the verdicts and sentences. After his motion for new trial was summarily denied, Navarro appealed. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Harkcom v. State, 484 S.W.3d 432 (Tex. Crim. App. 2016)
- Garcia v. State, 201 S.W.3d 695, 702 (Tex. Crim. App. 2006)
- Lucero v. State, 709 S.W.3d 739, 744 (Tex. App.—Amarillo 2025, pet. ref'd)
- Darcy v. State, 488 S.W.3d 325, 328 (Tex. Crim. App. 2016)
- Martinez v. State, 98 S.W.3d 189, 193 (Tex. Crim. App. 2003)
- Rodriguez v. State, 274 S.W.3d 760 (Tex. App.—San Antonio 2008, no pet.)
- De La Paz v. State, 279 S.W.3d 336, 343, 347–48 (Tex. Crim. App. 2009)
- Montgomery v. State, 810 S.W.2d 372, 391 (Tex. Crim. App. 1990)
- Rhomer v. State, 569 S.W.3d 664, 669 (Tex. Crim. App. 2019)
- Johnston v. State, 145 S.W.3d 215, 219–20, 222 (Tex. Crim. App. 2004)
- Dabney v. State, 492 S.W.3d 309, 311 n.2 (Tex. Crim. App. 2016)
- Daggett v. State, 187 S.W.3d 444, 452–53 & n.19 (Tex. Crim. App. 2005)
- Wheeler v. State, 67 S.W.3d 879, 885–88 (Tex. Crim. App. 2002)
- Clay v. State, 390 S.W.3d 1, 14 (Tex. App.—Texarkana 2012, pet. ref'd)
- Henley v. State, 493 S.W.3d 77, 93 (Tex. Crim. App. 2016)
- Redmond v. State, 629 S.W.3d 534, 543–44 (Tex. App.—Fort Worth 2021, pet. ref'd)
- Hung Phuoc Le v. State, 479 S.W.3d 462, 470–71 (Tex. App.—Houston [14th Dist.] 2015, no pet.)
- Bass v. State, 270 S.W.3d 557, 563 (Tex. Crim. App. 2008)
- Stredic v. State, 663 S.W.3d 646, 655 (Tex. Crim. App. 2022)
- Westbrook v. State, 29 S.W.3d 103, 119 (Tex. Crim. App. 2000)
- Tollett v. State, 422 S.W.3d 886, 895 (Tex. App.—Houston [14th Dist.] 2014, pet. ref'd)
- Solis v. State, No. AP-77,109, 2025 WL 3029290, at *12 (Tex. Crim. App. Oct. 30, 2025)

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