

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Matthew Houston v. The State of Texas

No. 03-24-00557-CR · No. No. 03-24-00557-CR · Decided January 8, 2026

SUMMARY

The Texas Court of Appeals, Third District, reviewed Matthew Houston’s conviction for sexual assault of a child and twenty-year prison sentence. Houston challenged the denial of a continuance, evidentiary rulings concerning a forensic interview recording, alleged ineffective assistance based on a conflict of interest, and the State’s jury arguments. The court affirmed the trial court’s judgment of conviction.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Karin Crump; Chief Justice Byrne; Justice Crump; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	January 8, 2026
DOCKET	No. 03-24-00557-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Houston appealed his conviction for sexual assault of a child, challenging the denial of a continuance, an evidentiary ruling concerning photographs of a forensic interview, allegedly disparate rulings on leading objections, ineffective assistance based on an alleged conflict of interest, and the State's opening and closing arguments.
STANDARD OF REVIEW	Abuse of discretion for the denial of a continuance and evidentiary rulings; preservation and forfeiture principles for unobjected-to trial complaints; Cuyler v. Sullivan for ineffective-assistance claims involving an actual conflict, and Strickland v. Washington otherwise; clear-showing and presumption-of-impartiality standards for judicial-bias claims.
PRECEDENTIAL VALUE	published
PARTIES	Matthew Houston v. The State of Texas

TOPICS

criminal procedure

ineffective assistance

evidence

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PRACTICE AREAS

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evidence

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Houston's motion for continuance.
2. Whether the trial court abused its discretion by denying Houston's request to photograph a recording of a child's forensic interview.
3. Whether allegedly disparate rulings on objections to leading questions demonstrated judicial bias or otherwise denied Houston a fair trial.
4. Whether Houston's trial counsel had an actual conflict of interest because counsel had previously represented J.C.'s father, requiring review under *Cuyler v. Sullivan* rather than *Strickland v. Washington*.
5. Whether trial counsel was ineffective for limiting the alternative-perpetrator theory, failing to pursue evidence concerning J.C.'s father, or failing to object to the State's opening statement and closing argument.
6. Whether the State's comments urging the jury to listen to and believe J.C. and to find Houston guilty improperly lowered the State's burden of proof, and whether the complaint was preserved.

HOLDINGS

1. The trial court did not abuse its discretion by denying Houston's motion for continuance because the motion was filed six days before trial, Houston had had months or years to make arrangements for his children, and he failed to show actual and specific prejudice to his defense.
2. The trial court properly denied Houston's request to take still photographs from the recording of a child's forensic interview because Texas law required the court to deny a request to copy, photograph, duplicate, or otherwise reproduce the recording when the recording was made reasonably available for inspection.
3. Houston's challenge to allegedly disparate rulings on leading objections was inadequately briefed and unpreserved; alternatively, the record did not clearly demonstrate judicial bias or an abuse of discretion.
4. Houston did not establish an actual conflict of interest merely because one trial attorney had represented J.C.'s father years earlier; therefore, the *Cuyler v. Sullivan* standard did not apply, and the ineffective-assistance claim was governed by *Strickland v. Washington*.
5. Houston failed to establish ineffective assistance based on counsel's limited pursuit of an alternative-perpetrator theory or failure to call additional witnesses.
6. Houston forfeited his complaints concerning the State's jury arguments because he did not object, request an instruction to disregard, or move for mistrial. His alternatively asserted ineffective-assistance claim was also inadequately briefed and did not establish deficient performance.

KEY QUOTATIONS

“Until a defendant shows his counsel actively represented conflicting interests, he has not established the constitutional predicate for his claim of ineffective assistance.” (at 22-23)

“Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim.” (at 26)

“For all these reasons, we overrule Houston’s third issue on appeal.” (at 37)

FACTUAL BACKGROUND

Houston lived with his girlfriend, her daughter J.C., and several children beginning when J.C. was approximately six years old. J.C. made several disclosures that Houston sexually abused her, including a recorded audio incident in which a man sexually assaulted her and made sexual comments; Houston was later arrested and tried. The jury convicted him of sexual assault of a child and assessed twenty years' imprisonment.

PROCEDURAL HISTORY

Houston was indicted in February 2022, arrested in April 2022, tried before a jury in the 421st District Court of Caldwell County, and convicted of sexual assault of a child under Texas Penal Code section 22.011. The jury assessed twenty years' imprisonment, and the trial court rendered judgment accordingly. His motion for new trial was overruled by operation of law, and the court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Brumfield v. State, 641 S.W.3d 568, 580 (Tex. App.—Tyler 2022, pet. ref'd)
- Lopez v. State, 86 S.W.3d 228, 230 (Tex. Crim. App. 2002)
- State v. Mechler, 153 S.W.3d 435, 439 (Tex. Crim. App. 2005)
- Rosales v. State, 841 S.W.2d 368, 374-75 (Tex. Crim. App. 1992)
- Cordova-Lopez v. State, 680 S.W.3d 5, 12, 14 (Tex. App.—Houston [1st Dist.] 2022, pet. ref'd)
- Kinnett v. State, 623 S.W.3d 876, 906 (Tex. App.—Houston [1st Dist.] 2020, pet. ref'd)
- Valle v. State, 109 S.W.3d 500 (Tex. Crim. App. 2003)
- Tillman v. State, 354 S.W.3d 425, 435 (Tex. Crim. App. 2011)
- Khoshayand v. State, 179 S.W.3d 779, 784 (Tex. App.—Dallas 2005, no pet.)
- Carrasco v. State, 154 S.W.3d 127, 129 (Tex. Crim. App. 2005)
- Allen v. State, Allen v. State, 675 S.W.3d 47, 50, 52-53 (Tex. App.—Tyler 2023, no pet.)
- In re State, 670 S.W.3d 776, 780-81 (Tex. App.—Texarkana 2023, orig. proceeding)
- Davis v. Alaska, 415 U.S. 308, 316 (1974)
- Burton v. Prince, 577 S.W.3d 280, 292 (Tex. App.—Houston [14th Dist.] 2019, no pet.)
- Wolfe v. State, 509 S.W.3d 325, 343 (Tex. Crim. App. 2017)

- Lucio v. State, 351 S.W.3d 878, 896 (Tex. Crim. App. 2011)
- Brumit v. State, 206 S.W.3d 639, 645 (Tex. Crim. App. 2006)
- Tovar v. State, 619 S.W.3d 783, 792 (Tex. App.—San Antonio 2020, pet. ref'd)
- Rodriguez v. State, 491 S.W.3d 18, 33 (Tex. App.—Houston [1st Dist.] 2016, pet. ref'd)
- Monreal v. State, 947 S.W.2d 559, 564-65 (Tex. Crim. App. 1997)
- Cuyler v. Sullivan, 446 U.S. 335, 348-50 (1980)
- Strickland v. Washington, 466 U.S. 668, 687-89, 694, 700 (1984)
- Odelugo v. State, 443 S.W.3d 131, 136 (Tex. Crim. App. 2014)
- James v. State, 763 S.W.2d 776, 778-79 (Tex. Crim. App. 1989)
- Mickens v. Taylor, 535 U.S. 162, 176 (2002)
- Perillo v. Johnson, 205 F.3d 775, 798-99 (5th Cir. 2000)
- United States v. Olivares, 786 F.2d 659, 663 (5th Cir. 1986)
- Nava v. State, 415 S.W.3d 289, 308 (Tex. Crim. App. 2013)
- King v. State, 649 S.W.2d 42, 44 (Tex. Crim. App. 1983)
- Harris v. State, 784 S.W.2d 5, 12 & n.4 (Tex. Crim. App. 1989)
- Garza v. State, 435 S.W.3d 258, 260-61 (Tex. Crim. App. 2014)
- Canada v. State, 547 S.W.3d 4, 22-23 (Tex. App.—Austin 2018, no pet.)
- Evans v. State, 60 S.W.3d 269, 273 (Tex. App.—Amarillo 2001, pet. ref'd)

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