

COURT OF APPEALS FOR THE TENTH APPELLATE DISTRICT OF TEXAS

Thomas Allen Stanton v. The State of Texas

Stanton v. State · No. 10-25-00001-CR · Decided May 14, 2026

SUMMARY

The Tenth Court of Appeals of Texas affirmed Thomas Allen Stanton’s convictions for three counts of indecency with a child by contact and his 15-year sentences on each count. The court held that Stanton failed to preserve his challenge to the timing of the State’s election of offenses and waived his complaint about the absence of a limiting instruction because he did not request one when the extraneous-act evidence was admitted.

CASE DETAILS

COURT	Court of Appeals for the Tenth Appellate District of Texas
WRITING FOR THE COURT	Lee Harris; Justice Smith; Justice Harris; Senior Justice Gabriel
JURISDICTION	Court of Appeals for the Tenth Appellate District of Texas
DECIDED	May 14, 2026
DOCKET	10-25-00001-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Stanton appealed his convictions for three counts of indecency with a child by contact and his sentences of fifteen years' imprisonment on each count.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Thomas Allen Stanton v. The State of Texas

TOPICS

- criminal procedure
- preservation of error
- appellate procedure
- evidence

PRACTICE AREAS

- Texas criminal law
- criminal procedure
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether Stanton preserved his complaint that the trial court permitted the State to elect the acts supporting the convictions at the close of all the evidence rather than at the end of the State's case-in-

chief.

2. Whether the trial court erred by failing to give the jury a limiting instruction concerning extraneous acts of indecency when Stanton did not request such an instruction when the evidence was admitted.

HOLDINGS

1. A defendant who does not object at trial to the timing of the State's election of offenses, but instead acquiesces in the trial court's decision, fails to preserve the complaint for appellate review.
2. When extraneous-offense evidence is admitted, a defendant must request a limiting instruction at the time the evidence is admitted; absent that request, the trial court has no obligation to give a limiting instruction later in the jury charge, and the evidence may be considered for all purposes.

KEY QUOTATIONS

“But it is well-established that if a defendant does not request a limiting instruction under Rule 105 at the time the evidence is admitted, the trial judge has no obligation to limit the use of that evidence later in the jury charge.” (3)

FACTUAL BACKGROUND

Stanton was convicted of three counts of indecency with a child by contact involving allegations that he touched the genitals and breast of his stepdaughter. The victim testified about several instances corresponding to the alleged indecency. The State elected at the close of all the evidence which acts it would rely on for the convictions, and Stanton did not object to the timing of that election. Extraneous acts of indecency were also admitted without Stanton requesting a limiting instruction when the evidence was admitted.

PROCEDURAL HISTORY

The 54th District Court of McLennan County convicted Stanton of three counts of indecency with a child by contact and sentenced him to fifteen years in prison for each count. On appeal, Stanton challenged the timing of the State's election of offenses and the absence of a limiting instruction concerning extraneous acts. The Court of Appeals overruled both issues and affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- Garcia v. State, 614 S.W.3d 749, 753 (Tex. Crim. App. 2019)
- Owings v. State, 541 S.W.3d 144, 150 (Tex. Crim. App. 2017)
- Rubalcado v. State, 424 S.W.3d 560, 571 (Tex. Crim. App. 2014)
- Bonilla v. State, 452 S.W.3d 811, 813 (Tex. Crim. App. 2014)
- Dunn v. State, 819 S.W.2d 510, 525 (Tex. Crim. App. 1991)
- Delgado v. State, 235 S.W.3d 244, 251 (Tex. Crim. App. 2007)

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