

COURT OF APPEALS, FIFTH DISTRICT OF TEXAS AT DALLAS

Tishawn Jahmai Helton v. State

No. 05-19-00065-CR · No. No. 05-19-00065-CR · Decided December 29, 2020

SUMMARY

The Texas Court of Appeals, Fifth District at Dallas, affirmed Tishawn Jahmai Helton’s conviction for aggravated sexual assault of a child. The court held that the evidence was sufficient to support the conviction and rejected the argument that the evidence showed conduct different from that charged. The court modified the judgment to correct the State’s attorney, the applicable Penal Code provision, and the enhancement plea and finding.

CASE DETAILS

COURT	Court of Appeals, Fifth District of Texas at Dallas
WRITING FOR THE COURT	Bill Pedersen, III; Justice Myers; Justice Whitehill; Justice Pedersen, III
JURISDICTION	Texas
DECIDED	December 29, 2020
DOCKET	No. 05-19-00065-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Helton appealed his jury conviction for aggravated sexual assault of a child under fourteen, challenging the sufficiency of the evidence. The State filed a cross-point requesting correction of clerical errors in the judgment.
STANDARD OF REVIEW	The court viewed the evidence in the light most favorable to the verdict and considered whether any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. It deferred to the jury's credibility and weight determinations and did not substitute its judgment for that of the jurors.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tishawn Jahmai Helton v. The State of Texas

TOPICS

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

PRACTICE AREAS

criminal law

criminal appellate practice

evidence

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to establish beyond a reasonable doubt that Helton caused contact between T.S.'s sexual organ and his sexual organ as charged in the indictment.
2. Whether the appellate court should modify clerical errors in the judgment concerning the State's trial attorney, the applicable Penal Code provision, and the enhancement plea and finding.

HOLDINGS

1. The evidence was legally sufficient for a rational juror to find beyond a reasonable doubt that Helton committed aggravated sexual assault of T.S. by causing her sexual organ to contact his sexual organ as alleged in the indictment.
2. The appellate court had authority to reform the judgment to correct clerical errors when the evidence necessary for correction appeared in the record.

KEY QUOTATIONS

“To evaluate the sufficiency of the evidence, we consider the evidence in the light most favorable to the verdict and determine whether any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt.” (at 3)

“We will not penalize a child victim for lacking an adult’s vocabulary: we conclude that T.S. was identifying her sexual organ.” (at 5)

“Appellate courts have the power to reform whatever the trial court could have corrected by a judgment nunc pro tunc, so long as the evidence necessary to correct the judgment appears in the record.” (at 6)

FACTUAL BACKGROUND

Ten-year-old T.S. suffered a severe vaginal and perineal injury requiring surgical repair and was later found to have a transected hymen and genital gonorrhea. A child-abuse pediatrician testified that the injuries were consistent with penetration rather than an accidental fall. T.S. eventually disclosed that Helton had forced his penis into her, and her trial testimony was consistent with her outcry and forensic interview. Helton denied assaulting T.S. and claimed he was elsewhere when she was injured.

PROCEDURAL HISTORY

A jury found Helton guilty of aggravated sexual assault of a child under fourteen years of age. After enhancement by a prior felony conviction, the trial court assessed forty-five years' confinement. On appeal, the Fifth District Court of Appeals overruled Helton's sufficiency challenge, granted the State's cross-point, modified three clerical inaccuracies in the judgment, and affirmed the judgment as modified.

DISPOSITION

affirmed

CASES CITED

- Acosta v. State, 429 S.W.3d 621, 624-25 (Tex. Crim. App. 2014)
- Montgomery v. State, 369 S.W.3d 188, 192 (Tex. Crim. App. 2012)
- Wise v. State, 364 S.W.3d 900, 903 (Tex. Crim. App. 2012)
- Dewberry v. State, 4 S.W.3d 735, 740 (Tex. Crim. App. 1999)
- Bigley v. State, 865 S.W.2d 26, 27-28 (Tex. Crim. App. 1993)
- Asberry v. State, 813 S.W.2d 526, 529 (Tex. App.—Dallas 1991, pet. ref'd)

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