

COURT OF APPEALS OF TEXAS, TENTH APPELLATE DISTRICT AT WACO

Kenneth Scott Dickinson v. The State of Texas

No. 10-25-00018-CR (Tex. App.—Waco Feb. 5, 2026) (mem. op.) · No. 10-25-00018-CR · Decided February 5, 2026

SUMMARY

The Tenth Court of Appeals of Texas affirmed Kenneth Scott Dickinson’s conviction for aggravated sexual assault of a child. The court held that the record did not affirmatively negate venue in McLennan County and, alternatively, that any venue error was harmless.

CASE DETAILS

COURT	Court of Appeals of Texas, Tenth Appellate District at Waco
WRITING FOR THE COURT	Justice Steve Smith; Chief Justice Johnson; Justice Harris
JURISDICTION	Court of Appeals of Texas, Tenth Appellate District
DECIDED	February 5, 2026
DOCKET	10-25-00018-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dickinson appealed his conviction for aggravated sexual assault of a child and thirty-year prison sentence, arguing that the State failed to prove venue in McLennan County by a preponderance of the evidence.
STANDARD OF REVIEW	For a challenge to venue, the court applies a modified Jackson v. Virginia legal-sufficiency standard, viewing the evidence in the light most favorable to the affirmative venue finding and asking whether any rational factfinder could have found venue by a preponderance of the evidence. If venue was insufficiently proved, the resulting nonconstitutional error is reviewed for harm under Texas Rule of Appellate Procedure 44.2(b).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kenneth Scott Dickinson v. The State of Texas

TOPICS

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

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the record affirmatively demonstrated that McLennan County was an improper venue because the only specifically described McLennan County incident did not correspond to a manner and means alleged in the charging instrument.
2. If venue was not sufficiently proved, whether the venue error was harmless under Texas Rule of Appellate Procedure 44.2(b).

HOLDINGS

1. The record did not affirmatively and conclusively demonstrate that McLennan County was an improper venue. The complainant's testimony, viewed in the light most favorable to the venue finding, permitted the jury to reasonably infer by a preponderance of the evidence that the alleged anal-to-sexual-organ contact occurred in McLennan County.
2. Any failure to sufficiently prove venue in McLennan County was harmless because it was nonconstitutional error that did not affect Dickinson's substantial rights.

KEY QUOTATIONS

“Viewing the evidence in the appropriate light, the record does not affirmatively and conclusively demonstrate that McLennan County was an improper venue.” (4)

“We have fair assurance that any error in trying the case in McLennan County did not influence the jury, or had but slight effect.” (6)

FACTUAL BACKGROUND

Dickinson was convicted of aggravated sexual assault of a child based on alleged conduct occurring through three alternative means. The complainant testified that she lived in the Landmark Apartments in Waco, which is in McLennan County, before moving to a residence in China Spring, which was in Bosque County. She recalled an incident in Waco involving Dickinson applying ointment to her anus and later testified that Dickinson engaged in anal sex with her numerous times over the years. The charging instrument alleged, among other means, anal-to-sexual-organ contact.

PROCEDURAL HISTORY

A jury convicted Dickinson in the 19th District Court of McLennan County, Texas, of aggravated sexual assault of a child and sentenced him to thirty years in prison. The Court of Appeals considered his sole venue-related issue and affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Blankenship, 170 S.W.3d 676, 681 (Tex. App.—Austin 2005, pet. ref'd)
- Holdridge v. State, 707 S.W.2d 18, 21-22 (Tex. Crim. App. 1986)
- Witt v. State, 237 S.W.3d 394, 399 (Tex. App.—Waco 2007, pet. ref'd)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Thompson v. State, 244 S.W.3d 357, 362, 365-66 (Tex. App.—Tyler 2006, pet. dism'd)
- Barton v. State, 948 S.W.2d 364, 365 (Tex. App.—Fort Worth 1997, no pet.)
- Schmutz v. State, 440 S.W.3d 29, 35-39 (Tex. Crim. App. 2014)
- Johnson v. State, 967 S.W.2d 410, 417 (Tex. Crim. App. 1998)
- Westbrook v. State, No. 10-19-00119-CR, 2021 WL 3773474, at *7 (Tex. App.—Waco Aug. 25, 2021, pet. ref'd) (mem. op., not designated for publication)