

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG

Jose Luis Espinoza v. the State of Texas

No. 13-24-00173-CR · No. 13-24-00173-CR · Decided April 23, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas affirmed Jose Luis Espinoza’s convictions for continuous sexual abuse of a young child and two counts of indecency with a child by sexual contact. The court rejected challenges concerning the sufficiency of the evidence, double jeopardy, outcry testimony, and the admissibility of extraneous-offense evidence. The opinion holds that testimony describing repeated abuse over a year sufficiently established the duration element and that a complainant may qualify as a child for purposes of the Texas outcry statute when the outcry occurs before age eighteen.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Justice Cron; Chief Justice Tijerina; Justice West
JURISDICTION	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
DECIDED	April 23, 2026
DOCKET	13-24-00173-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Espinoza appealed jury convictions for continuous sexual abuse of a young child and two counts of indecency with a child by sexual contact, challenging the sufficiency of the evidence, alleged double-jeopardy violations, evidentiary rulings, and cumulative error.
STANDARD OF REVIEW	Legal sufficiency is reviewed by considering all evidence in the light most favorable to the verdict and determining whether a rational juror could have found each essential element beyond a reasonable doubt. Evidentiary rulings concerning outcry statements are reviewed for abuse of discretion. Statutory construction is reviewed de novo. Unpreserved complaints are forfeited, and preserved nonconstitutional evidentiary error is disregarded unless it affects substantial rights.
PRECEDENTIAL VALUE	unpublished

TOPICS

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QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to prove the thirty-day duration element of continuous sexual abuse of a young child.
2. Whether the two indecency-with-a-child convictions violated double jeopardy because the offenses were predicate acts of continuous sexual abuse.
3. Whether the trial court erred in admitting outcry testimony based on untimely notice, the complainant's age when making an outcry, or the use of multiple outcry witnesses.
4. Whether the trial court erred in admitting extraneous-offense and bad-act evidence without timely notice under Texas Rule of Evidence 404(b)(2).
5. Whether the trial court erred in admitting the complainants' medical records.
6. Whether expert testimony from sexual-assault nurse examiners improperly commented on the complainants' credibility.
7. Whether cumulative evidentiary errors deprived Espinoza of a fair trial.

HOLDINGS

1. The evidence was legally sufficient to establish that at least two acts of sexual abuse occurred during a period of at least thirty days.
2. The convictions for indecency with a child by touching the complainants' breasts did not violate double jeopardy.
3. A complainant is a child for purposes of Texas Code of Criminal Procedure article 38.072 if the complainant is younger than eighteen when making the outcry, even if the complainant was older than fourteen at the time of the outcry.
4. Any error in permitting Davila to testify as an additional outcry witness was harmless.
5. The State's original notice of previously undisclosed bad acts less than seventy-two hours before trial was untimely, and the trial court abused its discretion by admitting the evidence; however, the error was harmless.
6. The complaints concerning admission of the medical records and the sexual-assault nurse examiners' testimony were forfeited, inadequately briefed, or both, and did not require reversal.

7. The cumulative-error claim failed because the preserved errors, considered together, did not undermine the fundamental fairness of the trial or create a probability of a different result.

KEY QUOTATIONS

“We join those courts in concluding that an outcry witness may be designated when the child declarant is younger than eighteen years of age at the time of the outcry.” (at 16)

“In sum, as the proponent of the untimely noticed extraneous evidence, it may befit the State to suggest a curative measure like a continuance, but we are aware of no authority requiring Espinoza to both object to the admission of the evidence and request a continuance to preserve error.” (at 22)

FACTUAL BACKGROUND

Espinoza was the step-grandfather of complainants B.H. and P.P. B.H. testified that Espinoza sexually abused her repeatedly over the span of approximately a year, beginning when she was nine or ten years old. P.P. testified to multiple acts of sexual abuse beginning when she was approximately seven or eight years old, although she could not recall the duration of the abuse. The jury convicted Espinoza and imposed concurrent prison sentences.

PROCEDURAL HISTORY

A jury convicted Espinoza of one count of continuous sexual abuse of a young child and two counts of indecency with a child by sexual contact. The jury assessed prison sentences of twenty-five years for the continuous-sexual-abuse conviction and twenty years for each indecency conviction, and the trial court ordered the sentences to run concurrently. Espinoza appealed, and the court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Laster v. State, 275 S.W.3d 512, 517 (Tex. Crim. App. 2009)
- Stahmann v. State, 602 S.W.3d 573, 577 (Tex. Crim. App. 2020)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Hammack v. State, 622 S.W.3d 910, 914 (Tex. Crim. App. 2021)
- Malik v. State, 953 S.W.2d 234, 240 (Tex. Crim. App. 1997)
- Ramos v. State, 636 S.W.3d 646, 651 (Tex. Crim. App. 2021)
- Price v. State, 434 S.W.3d 601, 606 (Tex. Crim. App. 2014)
- Bays v. State, 396 S.W.3d 580, 581 (Tex. Crim. App. 2013)
- Martinez v. State, 178 S.W.3d 806, 811 (Tex. Crim. App. 2005)
- Lopez v. State, 343 S.W.3d 137, 140 (Tex. Crim. App. 2011)
- Olvera v. State, 694 S.W.3d 843, 846-47 (Tex. App.—Houston [14th Dist.] 2024, no pet.)
- Gutierrez v. State, 630 S.W.3d 270, 278 (Tex. App.—Eastland 2020, pet. ref'd)

- Harvey v. State, 123 S.W.3d 623, 629 (Tex. App.—Texarkana 2003, pet. ref'd)
- Parker v. State, 727 S.W.3d 38, 65 (Tex. Crim. App. 2025)
- Hernandez v. State, 176 S.W.3d 821, 824 (Tex. Crim. App. 2005)
- Neuman v. State, 951 S.W.2d 538, 540 (Tex. App.—Austin 1997, no pet.)
- Crawford v. Washington, 541 U.S. 36, 38 (2004)
- Yount v. State, 872 S.W.2d 706, 711 (Tex. Crim. App. 1993)
- Estrada v. Smith, 313 S.W.3d 274, 311 (Tex. Crim. App. 2010)
- Chamberlain v. State, 998 S.W.2d 230, 238 (Tex. Crim. App. 1999)

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