

COURT OF APPEALS OF TEXAS, TENTH APPELLATE DISTRICT AT WACO

Cody Watson v. The State of Texas

Watson v. State · No. 10-24-00363-CR · Decided January 29, 2026

SUMMARY

The Tenth Court of Appeals of Texas affirmed Cody Watson’s conviction for continuous sexual abuse of a child and his thirty-year prison sentence. The court rejected challenges concerning jury qualification and the timeliness and sufficiency of Watson’s motion to quash the indictment. The court found error in the designation of an outcry witness but held the error harmless, and concluded that any unobjected-to jury charge error did not cause egregious harm.

CASE DETAILS

COURT	Court of Appeals of Texas, Tenth Appellate District at Waco
WRITING FOR THE COURT	Steve Smith; Chief Justice Johnson; Justice Smith; Justice Harris
JURISDICTION	Court of Appeals of Texas, Tenth Appellate District
DECIDED	January 29, 2026
DOCKET	10-24-00363-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Watson appealed his jury conviction for continuous sexual abuse of a child and thirty-year prison sentence, raising issues concerning jury qualification, denial of a motion to quash the indictment, outcry-witness testimony, and jury-charge error.
STANDARD OF REVIEW	Jury qualification was reviewed under the presumptions and harm framework of Texas Rule of Appellate Procedure 44.2(c)(2) and, for nonconstitutional error, Rule 44.2(b). Denial of the motion to quash the indictment was reviewed de novo. Designation of an outcry witness was reviewed for abuse of discretion. Unobjected-to jury-charge error was reviewed for egregious harm under Almanza.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Cody Watson v. The State of Texas

TOPICS

- criminal procedure
- jury selection
- hearsay
- jury instructions
- appellate procedure

PRACTICE AREAS

criminal procedure

criminal law

evidence

appellate procedure

jury instructions

statutory interpretation

QUESTIONS PRESENTED

1. Whether the trial court failed to qualify the jury as required by Texas Code of Criminal Procedure article 35.12 and whether any resulting error was constitutional or harmful.
2. Whether Watson preserved a challenge to alleged defects in the indictment by filing his motion to quash after the jury had been empaneled and trial had commenced.
3. Whether the trial court abused its discretion by designating A.A.'s former assistant principal as the article 38.072 outcry witness.
4. Whether the jury charge's use of the general Penal Code definition of sexual contact constituted error causing egregious harm, including in light of the jury-notetaking instruction.

HOLDINGS

1. The silent record and Watson's failure to dispute juror qualification did not overcome the presumption that the jury was properly qualified. Even assuming the article 35.12 questions were not asked, any error was statutory rather than constitutional, and Watson failed to show harm because the record did not establish that any juror was unqualified.
2. Watson forfeited his challenge to the alleged defect in the indictment because he filed his motion to quash after the jury was empaneled and trial had commenced. The indictment was constitutionally sufficient because its face identified a felony offense within the district court's jurisdiction.
3. The trial court erred by designating the assistant principal as the article 38.072 outcry witness because the evidence at the hearing showed only a general allusion to sexual abuse and did not establish that A.A. described the offense in a discernible manner. The error was harmless because A.A. later gave substantially similar and more detailed testimony without objection.
4. Assuming without deciding that the abstract definition of sexual contact in the jury charge was erroneous, Watson did not suffer egregious harm. The application paragraph expressly required the jury to find that he touched the genitals of a child younger than fourteen, and the evidence, arguments, and charge as a whole did not demonstrate actual harm.

KEY QUOTATIONS

“Moreover, a silent record is not an affirmative showing that the statutory qualification procedure did not occur.” (p. 2)

“No testimony was presented demonstrating that A.A. described the sexual abuse “in some discernible manner” to the assistant principal.” (p. 10)

“In light of A.A.’s detailed testimony concerning the acts of sexual abuse, we are reasonably assured that any error in the admission of the outcry testimony did not influence the jury’s verdict, or had but a slight effect

and was harmless.” (p. 11)

“Considering the four Almanza factors, we find that Watson was not egregiously harmed by the trial court’s use of the general definition of “sexual contact” in the abstract portion of the jury charge.” (p. 17)

FACTUAL BACKGROUND

The jury convicted Cody Watson of continuous sexual abuse of A.A., a child younger than fourteen during the charged period, and assessed thirty years' imprisonment. A.A. testified that Watson sexually abused her repeatedly over several years, including touching her genitals, with the last incident occurring shortly before her December 2022 outcry. The assistant principal testified at trial that A.A. told her that her stepfather had touched her in her pubic area and that the abuse occurred more than once over multiple years.

PROCEDURAL HISTORY

Following a jury trial in the 87th District Court of Freestone County, Watson was convicted of continuous sexual abuse of a child and sentenced to thirty years in prison. The trial court denied Watson's motion to quash the indictment and permitted the assistant principal to testify as the article 38.072 outcry witness. The court of appeals overruled all four appellate issues and affirmed.

DISPOSITION

affirmed

CASES CITED

- Osteen v. State, 642 S.W.2d 169, 171 (Tex. Crim. App. 1982)
- Gray v. State, 159 S.W.3d 95, 97 (Tex. Crim. App. 2005)
- Gray v. State, 233 S.W.3d 295, 298, 301 (Tex. Crim. App. 2007)
- Lawrence v. State, 240 S.W.3d 912, 915 (Tex. Crim. App. 2007)
- Jenkins v. State, 592 S.W.3d 894, 902 (Tex. Crim. App. 2018)
- Teal v. State, 230 S.W.3d 172, 178 n.24, 180-81 (Tex. Crim. App. 2007)
- Smith v. State, 309 S.W.3d 10, 18 (Tex. Crim. App. 2010)
- Garcia v. State, 792 S.W.2d 88, 91-92 (Tex. Crim. App. 1990)
- Rosales v. State, 548 S.W.3d 796, 808-09 (Tex. App.—Houston [14th Dist.] 2018, pet. ref'd)
- Almanza v. State, 686 S.W.2d 157, 171-72 (Tex. Crim. App. 1984)
- Ngo v. State, 175 S.W.3d 738, 743-44 (Tex. Crim. App. 2005)
- Olivas v. State, 202 S.W.3d 137, 144 (Tex. Crim. App. 2006)
- Sanchez v. State, 376 S.W.3d 767, 775 (Tex. Crim. App. 2012)
- Arrington v. State, 451 S.W.3d 834, 841, 844 (Tex. Crim. App. 2015)
- Price v. State, 887 S.W.2d 949, 955 (Tex. Crim. App. 1994)

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