

COURT OF APPEALS, SECOND APPELLATE DISTRICT OF TEXAS AT FORT WORTH

Jared Lee Newman v. the State of Texas

Newman v. State · No. 02-25-00149-CR · Decided May 7, 2026

SUMMARY

The Texas Court of Appeals, Second Appellate District, Fort Worth, affirmed Jared Lee Newman’s conviction for continuous sexual abuse of a young child and his 45-year sentence. The court rejected challenges to the jury charge concerning the predicate offenses, applicable mental states, the 30-day duration requirement, and unanimity, as well as a challenge to the display of photographs during voir dire. The opinion concludes that the charge did not contain reversible error and, assuming error concerning the duration language, that Newman failed to show egregious harm.

CASE DETAILS

COURT	Court of Appeals, Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Elizabeth Kerr; Sudderth, C.J.; Kerr, J.; Womack, J.
JURISDICTION	Court of Appeals, Second Appellate District of Texas at Fort Worth
DECIDED	May 7, 2026
DOCKET	02-25-00149-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Newman appealed his conviction for continuous sexual abuse of a young child, challenging jury-charge instructions and the State's use of photographs during voir dire.
STANDARD OF REVIEW	Jury-charge complaints are reviewed in two steps: the appellate court first determines whether error exists, considering the charge as a whole, and then analyzes harm under Almanza based on whether the error was preserved. Unpreserved charge error requires egregious harm; preserved charge error requires some harm. A trial court's control over voir dire is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	unpublished memorandum opinion; not designated for publication
PARTIES	Jared Lee Newman v. The State of Texas

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the jury charge adequately defined the predicate offenses underlying continuous sexual abuse of a young child, including their elements and mental states.
2. Whether the jury charge improperly linked the indictment's date range to the continuous-sexual-abuse statute's requirement that the abuse occur during a period of at least thirty days.
3. Whether the charge violated the Sixth Amendment unanimity requirement by permitting the jury to convict without unanimously agreeing on the specific predicate acts of sexual abuse.
4. Whether the trial court abused its discretion by allowing the State to display photographs during voir dire and question prospective jurors about biases concerning sexual offenders and abuse victims.

HOLDINGS

1. The charge was not erroneous because, read as a whole, it defined aggravated sexual assault of a child and indecency with a child by sexual contact in the abstract sections and necessarily and unambiguously incorporated those definitions into the continuous-sexual-abuse application paragraphs.
2. The charge did not omit the applicable mens rea requirements because its abstract definitions supplied the intentional and knowing mental states and included the mental-state requirements for the predicate offenses.
3. Assuming without deciding that the charge's duration language was erroneous, Newman did not establish egregious harm because the charge as a whole, the evidence, counsel's arguments, and the voir-dire record made clear that two acts had to occur at least thirty days apart.
4. The trial court did not err by instructing the jury that it need not unanimously agree on which specific underlying acts of sexual abuse occurred, so long as it unanimously found that Newman committed two or more acts during a period of at least thirty days.
5. The trial court did not abuse its discretion by allowing the State to display the photographs and question prospective jurors about their views and biases concerning sexual offenders, sexual abuse, victims, and victim-offender relationships.

KEY QUOTATIONS

"The application paragraphs—not the abstract paragraphs—authorize conviction." (p. 5)

"In sum, the court's charge presented a logically consistent combination of paragraphs containing both abstract and application paragraphs for the jury to follow, and the CSA application paragraphs necessarily and unambiguously referred to the definitions the court had given, including for the predicate acts." (p. 14)

“The record indicates that during voir dire, both the State and defense counsel helped the jury to understand the CSA duration element.” (p. 22)

FACTUAL BACKGROUND

Newman was the father of Fiona, who was born in 2010. Fiona testified that Newman sexually abused her during the summer of 2018 and again in early 2019, including penis-to-vagina contact and other sexual conduct; a sexual-assault nurse examiner described additional acts disclosed by Fiona. Newman denied the abuse and asserted that Fiona had been coerced by her mother to make false accusations. The jury convicted Newman of continuous sexual abuse of a young child and imposed a forty-five-year sentence.

PROCEDURAL HISTORY

A jury convicted Newman of continuous sexual abuse of a young child and assessed forty-five years' confinement. The trial court sentenced him accordingly. The jury did not reach the charged predicate offenses of aggravated sexual assault of a child and indecency with a child by sexual contact because it found him guilty of the continuous-sexual-abuse count. The court of appeals overruled all five appellate points and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Alcoser v. State*, 663 S.W.3d 160, 164-65 (Tex. Crim. App. 2022)
- *Vasquez v. State*, 389 S.W.3d 361, 366-67 (Tex. Crim. App. 2012)
- *Crenshaw v. State*, 378 S.W.3d 460, 466 (Tex. Crim. App. 2012)
- *Yzaguirre v. State*, 394 S.W.3d 526, 530 (Tex. Crim. App. 2013)
- *Plata v. State*, 926 S.W.2d 300, 302 (Tex. Crim. App. 1996)
- *Malik v. State*, 953 S.W.2d 234 (Tex. Crim. App. 1997)
- *Ngo v. State*, 175 S.W.3d 738, 743 (Tex. Crim. App. 2005)
- *Almanza v. State*, 686 S.W.2d 157, 171 (Tex. Crim. App. 1985)
- *Jordan v. State*, 593 S.W.3d 340, 346 (Tex. Crim. App. 2020)
- *Mendez v. State*, 545 S.W.3d 548, 552 (Tex. Crim. App. 2018)
- *Taylor v. State*, No. 05-22-00193-CR, 2023 WL 3991645, at *1-4 (Tex. App.—Dallas June 14, 2023, pet. ref'd) (mem. op.)
- *Johnson v. State*, No. 14-21-00597-CR, 2023 WL 2029099, at *3 (Tex. App.—Houston [14th Dist.] Feb. 16, 2023, pet. ref'd) (mem. op.)
- *Villarreal v. State*, 286 S.W.3d 321, 329 (Tex. Crim. App. 2009)
- *Branum v. State*, 535 S.W.3d 217, 229 (Tex. App.—Fort Worth 2017, no pet.)
- *Martin v. State*, 335 S.W.3d 867, 874 (Tex. App.—Austin 2011, pet. ref'd)
- *Walker v. State*, 300 S.W.3d 836, 850 (Tex. App.—Fort Worth 2009, pet. ref'd)

- Young v. State, 283 S.W.3d 854, 882 (Tex. Crim. App. 2009) (Cochran, J., concurring)
- Chatman v. State, 846 S.W.2d 329, 332 (Tex. Crim. App. 1993)
- Love v. State, 706 S.W.3d 584, 600-04 (Tex. App.—Austin 2024, pet. ref'd)
- Thompson v. State, No. 02-18-00084-CR, 2019 WL 3819265, at *10 (Tex. App.—Fort Worth Aug. 15, 2019, no pet.) (mem. op.)
- Diaz v. State, No. 13-22-00602-CR, 2024 WL 3818560, at *6 (Tex. App.—Corpus Christi–Edinburg Aug. 15, 2024, pet. ref'd) (mem. op.)
- Ibenyenwa v. State, 367 S.W.3d 420, 426 (Tex. App.—Fort Worth 2012, pet. ref'd)
- Ex parte Covarrubias, 665 S.W.3d 605, 616 (Tex. Crim. App. 2023)
- Sledge v. State, 953 S.W.2d 253, 255-56 (Tex. Crim. App. 1997)
- Tidbeaux v. State, No. 02-24-00429-CR, 2025 WL 2736519, at *3-6 (Tex. App.—Fort Worth Sept. 25, 2025, no pet.) (mem. op.)
- Lawson v. State, No. 02-17-00201-CR, 2018 WL 1192478, at *4 (Tex. App.—Fort Worth Mar. 8, 2018, no pet.) (per curiam) (mem. op.)
- Cisnerosmartinez v. State, No. 02-24-00144-CR, 2025 WL 1840568, at *9-12 (Tex. App.—Fort Worth July 3, 2025, pet. ref'd) (mem. op.)
- Stevens v. State, No. 02-23-00122-CR, 2024 WL 3978169, at *9-10, *14-15 (Tex. App.—Fort Worth Aug. 29, 2024, pet. ref'd) (mem. op.)
- Cathey v. State, 992 S.W.2d 460, 466 (Tex. Crim. App. 1999)
- Ramos v. Louisiana, 590 U.S. 83, 93, 140 S. Ct. 1390, 1397 (2020)
- Staley v. State, 887 S.W.2d 885, 896 (Tex. Crim. App. 1994)
- Barajas v. State, 93 S.W.3d 36, 38 (Tex. Crim. App. 2002)
- Smith v. State, 703 S.W.2d 641, 643 (Tex. Crim. App. 1985)
- Tobar v. State, 874 S.W.2d 87, 89 (Tex. App.—Corpus Christi–Edinburg 1994, pet. ref'd)
- Davis v. State, 349 S.W.3d 517, 518-19 (Tex. Crim. App. 2011)
- Sells v. State, 121 S.W.3d 748, 756 n.22 (Tex. Crim. App. 2003)
- Standefer v. State, 59 S.W.3d 177, 179 (Tex. Crim. App. 2001)
- McQueen v. State, No. 11-21-00098-CR, 2022 WL 16984292, at *3-4 (Tex. App.—Eastland Nov. 17, 2022, no pet.) (mem. op.)
- Villegas v. State, Nos. 04-07-00109-CR, 04-07-00110-CR, 04-07-00111-CR, 2008 WL 441755, at *2-3 (Tex. App.—San Antonio Feb. 20, 2008, no pet.) (mem. op.)
- Sanchez v. State, 165 S.W.3d 707, 712-13 (Tex. Crim. App. 2005)
- Keith v. State, No. 02-24-00034-CR, 2024 WL 4899022, at *5 (Tex. App.—Fort Worth Nov. 27, 2024, no pet.) (mem. op.)