

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Robert E. Chenier v. The State of Texas

Chenier · No. 01-24-00241-CR · Decided March 19, 2026

SUMMARY

The Texas First Court of Appeals affirmed Robert E. Chenier’s murder conviction and forty-year sentence. Chenier argued that the trial court made improper comments during voir dire in violation of Texas Code of Criminal Procedure article 38.05 and improperly limited his cross-examination of the decedent’s father under the Confrontation Clause. The court rejected both arguments, concluding that the voir dire comments did not violate article 38.05 or, alternatively, were harmless, and that the excerpted opinion addresses the evidentiary and confrontation issues.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Veronica Rivas-Molloy; Johnson; Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	March 19, 2026
DOCKET	01-24-00241-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a murder conviction and forty-year sentence in the 185th District Court of Harris County, Texas.
STANDARD OF REVIEW	The court reviewed alleged violations of Texas Code of Criminal Procedure article 38.05 under a nonconstitutional harm analysis pursuant to Texas Rule of Appellate Procedure 44.2(b), considering the entire record. It reviewed the trial court's comments in the context of the particular trial. The Confrontation Clause claim was reviewed for preservation, and the court held that an objection must timely and specifically assert the constitutional ground.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert E. Chenier v. The State of Texas

TOPICS

- criminal procedure
- jury selection
- sixth amendment
- preservation of error
- harmless error

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court's hypothetical comments during voir dire violated Texas Code of Criminal Procedure article 38.05 by commenting on the weight of the evidence or conveying an opinion about the case.
2. If the voir-dire comments violated article 38.05, whether the error affected Chenier's substantial rights and required reversal.
3. Whether the trial court's limitation of Chenier's examination of the decedent's father violated Chenier's rights under the Confrontation Clause by preventing inquiry into an alleged prior assault involving the decedent.

HOLDINGS

1. The trial court did not violate article 38.05 because the hypotheticals were used to explain the difference between the two charged murder theories, did not comment on the admissibility or weight of evidence in Chenier's case, did not convey an opinion about Chenier's guilt, and did not undermine the presumption of innocence.
2. Even assuming the voir-dire comments violated article 38.05, the error was harmless and did not affect Chenier's substantial rights.
3. The Confrontation Clause claim was not preserved because Chenier did not clearly and specifically assert a constitutional objection when the trial court limited his questioning of the decedent's father.

KEY QUOTATIONS

"The comments were not made while ruling on the admissibility of evidence, nor did they convey an opinion about this case." (at 10)

"Because Chenier did not preserve his Confrontation Clause argument, we overrule his second issue." (at 21)

"We affirm the trial court's judgment." (at 22)

FACTUAL BACKGROUND

Shaun Lewis was found dead in a Houston field after being shot twice in the face. Evidence at trial included testimony that Chenier confessed to his mother and cousin, a jail telephone call and police tips implicating Chenier, and testimony from a neighbor who recognized Chenier's voice before the shooting. Chenier's defense at trial was identity: he denied being the shooter and argued that the State lacked physical or scientific evidence linking him to the murder.

PROCEDURAL HISTORY

Chenier was charged with murder, pleaded not guilty, and was convicted by a jury after a trial. The jury assessed punishment at forty years in the Texas Department of Criminal Justice. Chenier appealed, challenging comments made by the trial court during voir dire and the limitation of his cross-examination of the decedent's father. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Irsan v. State, 708 S.W.3d 584, 606-607 (Tex. Crim. App. 2025)
- Proenza v. State, 541 S.W.3d 786, 791, 800, 802 (Tex. Crim. App. 2017)
- McClory v. State, 510 S.W.2d 932, 934 (Tex. Crim. App. 1974)
- Rodriguez v. State, 728 S.W.3d 228, 238 (Tex. App.—Houston [1st Dist.] 2025, pet. ref'd)
- Rivera v. State, No. 01-24-00030-CR, 2025 WL 3028898, at *2 (Tex. App.—Houston [1st Dist.] Oct. 30, 2025, no pet.)
- Loge v. State, 550 S.W.3d 366, 382 (Tex. App.—Houston [14th Dist.] 2018, no pet.)
- Gray v. State, 159 S.W.3d 95, 98 (Tex. Crim. App. 2005)
- Schmutz v. State, 440 S.W.3d 29, 39 (Tex. Crim. App. 2014)
- Bagheri v. State, 119 S.W.3d 755, 763 (Tex. Crim. App. 2003)
- King v. State, 953 S.W.2d 266, 271 (Tex. Crim. App. 1997)
- Moore v. State, 624 S.W.3d 676, 683 (Tex. App.—Houston [14th Dist.] 2021, pet. ref'd)
- Kotteakos v. United States, 328 U.S. 750, 764 (1946)
- Langham v. State, 305 S.W.3d 568, 582 (Tex. Crim. App. 2010)
- Tennison v. State, 814 S.W.2d 484, 486 (Tex. App.—Waco 1991, no pet.)
- Flores v. State, No. 13-22-00596-CR, 2024 WL 4986400, at *12 (Tex. App.—Corpus Christi–Edinburg Dec. 5, 2024, pet. ref'd)
- Paredes v. State, 462 S.W.3d 510, 514 (Tex. Crim. App. 2015)
- Cruz-Garcia v. State, No. AP-77,025, 2015 WL 6528727, at *15 (Tex. Crim. App. Oct. 28, 2015)
- Golliday v. State, 560 S.W.3d 664, 671 (Tex. Crim. App. 2018)
- Deener v. State, 214 S.W.3d 522, 527 (Tex. App.—Dallas 2006, pet. ref'd)
- Reyna v. State, 168 S.W.3d 173, 179-190 (Tex. Crim. App. 2005)