

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Guy Dean Peele v. State of Texas

No. 04-25-00041-CR (Tex. App.—San Antonio Apr. 15, 2026) (mem. op.) · No. 04-25-00041-CR · Decided April 15, 2026

SUMMARY

The Fourth Court of Appeals of Texas affirmed Guy Dean Peele’s conviction for indecency with a child by sexual contact. The court held that the evidence was legally sufficient and that any error in admitting hearsay testimony was harmless because the same evidence was admitted without objection. The court further held that Peele’s remaining complaints were unpreserved or involved exhibits that were never offered or admitted.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Lori I. Valenzuela; Irene Rios; Velia J. Meza
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	April 15, 2026
DOCKET	04-25-00041-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Peele appealed his jury conviction for indecency with a child by sexual contact, raising six issues concerning evidentiary sufficiency, evidentiary rulings, the Confrontation Clause, and the State's closing argument.
STANDARD OF REVIEW	Legal sufficiency is reviewed by considering all the evidence in the light most favorable to the verdict and determining whether any rational factfinder could have found the essential elements beyond a reasonable doubt. The reviewing court defers to the jury's credibility and weight determinations and may not act as a thirteenth juror. Evidentiary rulings are reviewed for abuse of discretion. Unpreserved complaints are not reviewed, and nonconstitutional hearsay error is subject to a harm analysis under Texas Rule of Appellate Procedure 44.2(b).
PRECEDENTIAL VALUE	Unpublished memorandum opinion; nonprecedential
PARTIES	Guy Dean Peele v. State of Texas

TOPICS

evidence hearsay preservation of error standard of review appellate procedure

PRACTICE AREAS

Texas criminal law criminal appellate procedure criminal evidence sexual offenses involving children

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support Peele's conviction for indecency with a child by sexual contact.
2. Whether the admission of Kimberly's testimony recounting S.S.'s statement that Peele touched her was reversible hearsay error.
3. Whether Peele preserved complaints concerning testimony about grooming, forensic interviews, improper bolstering, the State's closing argument, the Confrontation Clause, and certain exhibits.

HOLDINGS

1. The evidence was legally sufficient to support Peele's conviction for indecency with a child by sexual contact because S.S. testified that Peele touched her breasts and stated that he had an erection, permitting the jury to find the required sexual intent beyond a reasonable doubt.
2. Assuming without deciding that the trial court erred in admitting Kimberly's testimony under a hearsay exception, any error was harmless and did not warrant reversal.
3. The remaining appellate complaints were not preserved for review, or presented nothing for review, because Peele failed to make the required trial objections and pursue adverse rulings, and the challenged exhibits were neither offered nor admitted.

KEY QUOTATIONS

"An appellate court cannot act as a thirteenth juror and make its own assessment of the evidence." (9)

"A court's role on appeal is restricted to guarding against the rare occurrence when the factfinder does not act rationally." (9)

"It is well settled that the erroneous admission of testimony is not cause for reversal if the same fact is proven by other testimony not objected to." (10)

FACTUAL BACKGROUND

Peele arranged for fourteen-year-old S.S. to accompany him, his daughter, and another girl to a pool party and spend the night at his home as part of a prospective babysitting arrangement. S.S. testified that Peele touched her breasts while riding a four-wheeler, made sexually suggestive comments, and told her he had an erection. After returning home, S.S. told her cousin and mother that Peele had touched her, leading to a police investigation and indictment.

PROCEDURAL HISTORY

Peele was indicted in the 218th Judicial District Court of Wilson County, Texas, tried before a jury in January 2025, and found guilty of indecency with a child by sexual contact. The jury recommended two years' confinement, probated. The court of appeals addressed the merits of the sufficiency and hearsay issues, held the remaining issues unpreserved or unsupported by the record, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Brooks v. State, 323 S.W.3d 893, 899-902 (Tex. Crim. App. 2010)
- Curry v. State, 30 S.W.3d 394, 406 (Tex. Crim. App. 2000)
- Garcia v. State, 367 S.W.3d 683, 687 (Tex. Crim. App. 2012)
- Rodriguez v. State, 274 S.W.3d 760, 767 (Tex. App.—San Antonio 2008, no pet.)
- Arroyo v. State, 559 S.W.3d 484, 487 (Tex. Crim. App. 2018)
- Gonzalez v. State, 522 S.W.3d 48, 57 (Tex. App.—Houston [1st Dist.] 2017, no pet.)
- Laster v. State, 275 S.W.3d 512, 518 (Tex. Crim. App. 2009)
- Clayton v. State, 235 S.W.3d 772, 779 (Tex. Crim. App. 2007)
- Romano v. State, 612 S.W.3d 151, 158 (Tex. App.—Houston [14th Dist.] 2020, pet. ref'd)
- Tienda v. State, 479 S.W.3d 863, 873 (Tex. App.—Eastland 2015, no pet.)
- Campos v. State, 317 S.W.3d 768, 779 (Tex. App.—Houston [1st Dist.] 2010, pet. ref'd)
- Crawford v. State, 595 S.W.3d 792, 801, 806-07 (Tex. App.—San Antonio 2019, pet. ref'd)
- Tillman v. State, 354 S.W.3d 425, 435 (Tex. Crim. App. 2011)
- Edwards v. State, 497 S.W.3d 147, 162 (Tex. App.—Houston [1st Dist.] 2016, pet. ref'd)
- Thomas v. State, 505 S.W.3d 916, 924 (Tex. Crim. App. 2016)
- Cockrell v. State, 933 S.W.2d 73, 89 (Tex. Crim. App. 1996)
- Young v. State, 137 S.W.3d 65, 70 (Tex. Crim. App. 2004)
- Reyna v. State, 168 S.W.3d 173, 179 (Tex. Crim. App. 2005)