

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

Marcus Ray Haynes v. The State of Texas

Haynes v. State · No. No. 09-24-00047-CR · Decided November 26, 2025

SUMMARY

The Ninth Court of Appeals of Texas considered whether the trial court abused its discretion by ordering consecutive sentences for continuous sexual abuse of a child, aggravated sexual assault of a child, and possession of a controlled substance. The court held that the statutory exceptions permitting consecutive sentences applied and affirmed the trial court’s judgment.

CASE DETAILS

|                       |                                                                                                                                                                           |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the Ninth District of Texas at Beaumont                                                                                                              |
| WRITING FOR THE COURT | Jay Wright; Golemon, C.J.; Johnson, J.; Wright, J.                                                                                                                        |
| JURISDICTION          | Court of Appeals for the Ninth District of Texas at Beaumont                                                                                                              |
| DECIDED               | November 26, 2025                                                                                                                                                         |
| DOCKET                | No. 09-24-00047-CR                                                                                                                                                        |
| DISPOSITION           | affirmed                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Haynes appealed his convictions and sentences from the 260th District Court of Orange County, challenging the trial court's authority to cumulate or stack his sentences. |
| STANDARD OF REVIEW    | Abuse of discretion.                                                                                                                                                      |
| PRECEDENTIAL VALUE    | Unpublished memorandum opinion; marked Do Not Publish.                                                                                                                    |
| PARTIES               | Marcus Ray Haynes v. The State of Texas                                                                                                                                   |

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

- Texas criminal law
- sentencing
- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether Texas Penal Code section 3.03 required the sentences for continuous sexual abuse of a child and aggravated sexual assault of a child to run concurrently.
2. Whether the trial court had authority under Texas Penal Code section 3.03 and Texas Code of Criminal Procedure article 42.08 to cumulate the sentences for the sexual offenses and the drug-possession offense.

## HOLDINGS

1. Texas Penal Code section 3.03 did not apply to the drug-possession offense because that offense was not part of the same criminal episode as the continuous-sexual-abuse offense; therefore, the trial court was authorized under article 42.08 to cumulate the sentences involving the drug offense.
2. The trial court did not abuse its discretion by cumulating the twenty-year sentence for aggravated sexual assault of a child with the forty-year sentence for continuous sexual abuse of a young child because section 3.03 provides statutory exceptions permitting consecutive sentences for those offenses.

## KEY QUOTATIONS

*“Except as otherwise provided by this section, the sentences shall run concurrently.” (at 3)*

*“Since section 3.03 of the Penal Code permits sentences for these offenses to be cumulated, we affirm the trial court’s order cumulating Haynes’ twenty- and forty-year sentences.” (at 5)*

## FACTUAL BACKGROUND

Haynes was charged in separate causes with continuous sexual abuse of a child, aggravated sexual assault of a different child under fourteen, and possession of a controlled substance. He pleaded guilty to all three charges, and after a presentence report and hearing testimony from the victims, the trial court accepted the pleas. The court sentenced him to twenty years for aggravated sexual assault and forty years for continuous sexual abuse and ordered the sentences to run consecutively; the appeal challenged the cumulation of those sentences.

## PROCEDURAL HISTORY

Haynes pleaded guilty in open pleas to continuous sexual abuse of a child, aggravated sexual assault of a child, and possession of a controlled substance. After a presentence report and a subsequent hearing at which the court heard testimony from victims, the trial court accepted the pleas, imposed twenty years for aggravated sexual assault and forty years for continuous sexual abuse, and ordered the sentences to run consecutively. Haynes appealed the cumulation order, and the court of appeals affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Beedy v. State, 194 S.W.3d 595, 597 (Tex. App.—Houston [1st Dist.] 2006), aff’d, 250 S.W.3d 107 (Tex. Crim. App. 2008)

- Pettigrew v. State, 48 S.W.3d 769, 773 (Tex. Crim. App. 2001)
- Nicholas v. State, 56 S.W.3d 760, 765 (Tex. App.—Houston [14th Dist.] 2001, pet. ref'd)
- Smith v. State, No. 09-17-00081-CR, 2018 Tex. App. LEXIS 1874, at \*2 n.1 (Tex. App.—Beaumont Mar. 14, 2018, no pet.) (mem. op., not designated for publication)

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