

COURT OF APPEALS FOR THE TENTH APPELLATE DISTRICT OF TEXAS

Richard Dennis Lancaster v. The State of Texas

No. 10-24-00370-CR · No. No. 10-24-00370-CR · Decided March 19, 2026

SUMMARY

The Texas Tenth Court of Appeals affirmed the denial of Richard Dennis Lancaster’s motion to set aside an indictment for aggravated sexual assault. The court held that Lancaster inadequately briefed his due process claim concerning the post-indictment, pre-arrest delay and failed to preserve his complaint regarding findings of fact and conclusions of law.

CASE DETAILS

|                       |                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the Tenth Appellate District of Texas                                                                                                                       |
| WRITING FOR THE COURT | Justice Lee Harris; Justice Smith; Senior Chief Justice Jeff Rose                                                                                                                |
| JURISDICTION          | Court of Appeals for the Tenth Appellate District of Texas                                                                                                                       |
| DECIDED               | March 19, 2026                                                                                                                                                                   |
| DOCKET                | No. 10-24-00370-CR                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Lancaster appealed the denial of his pretrial motion to set aside the indictment after pleading guilty to aggravated sexual assault and receiving an eight-year prison sentence. |
| STANDARD OF REVIEW    | The court applied briefing and error-preservation requirements under Texas Rules of Appellate Procedure 38.1(i) and 33.1. It did not reach the merits of the due-process claim.  |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                  |
| PARTIES               | Richard Dennis Lancaster v. The State of Texas                                                                                                                                   |

TOPICS

- criminal procedure
- appellate procedure
- due process
- preservation of error
- speedy trial

PRACTICE AREAS

- Texas criminal procedure
- criminal appellate procedure
- constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether Lancaster adequately briefed a due-process challenge based on the approximately thirty-year delay between indictment and arrest.
2. Whether the appellate court could require findings of fact and conclusions of law when the record did not show that Lancaster had made the required request in the trial court.

## HOLDINGS

1. Because Lancaster cited no authority supporting his contention that post-indictment, pre-arrest delay violated due process and required dismissal of the indictment, the issue was improperly briefed and presented nothing for review.
2. The complaint was not preserved because the appellate record contained no request for findings of fact and conclusions of law.

## KEY QUOTATIONS

*“Thus, this issue is improperly briefed and presents nothing for review.”* (Page 2)

*“Thus, because there is nothing in the record to indicate Lancaster requested findings of fact and conclusions of law, this issue is not preserved and is overruled.”* (Page 2)

## FACTUAL BACKGROUND

Lancaster was indicted for aggravated sexual assault and was not arrested until approximately thirty years after the indictment. He pleaded guilty and was sentenced to eight years in prison. Before judgment, he moved to set aside the indictment based on an alleged due-process violation arising from the post-indictment, pre-arrest delay, and later complained that the trial court failed to make requested findings of fact and conclusions of law.

## PROCEDURAL HISTORY

Lancaster was indicted for aggravated sexual assault, arrested approximately thirty years later, and pleaded guilty. The 54th District Court of McLennan County denied his pretrial motion to set aside the indictment and later entered judgment imposing an eight-year sentence. The Court of Appeals affirmed, holding that Lancaster's first issue was inadequately briefed and that his second issue was not preserved.

## DISPOSITION

affirmed

## CASES CITED

- United States v. Lovasco, 431 U.S. 783, 97 S. Ct. 2044, 52 L. Ed. 2d 752 (1977)
- United States v. Marion, 404 U.S. 307, 92 S. Ct. 455, 30 L. Ed. 2d 468 (1971)
- Smith v. Hooey, 393 U.S. 374, 89 S. Ct. 575, 21 L. Ed. 2d 607 (1969)
- United States v. Diacolios, 837 F.2d 79 (2d Cir. 1988)
- Neville v. State, 622 S.W.3d 99, 104 (Tex. App.—Waco 2020, no pet.)

- Solis v. State, No. AP-77,109, 2025 Tex. Crim. App. LEXIS 795, at \*35 (Crim. App. Oct. 30, 2025) (publish)
- Lucio v. State, 351 S.W.3d 878, 896 (Tex. Crim. App. 2011)

## OPINION

### PER CURIAM.

Court of Appeals Tenth Appellate District of Texas 10-24-00370-CR Richard Dennis Lancaster, Appellant v. The State of Texas, Appellee On appeal from the 54th District Court of McLennan County, Texas Judge Susan N. Kelly, presiding Trial Court Cause No. 1989-24-C2 JUSTICE HARRIS delivered the opinion of the Court. MEMORANDUM OPINION Richard Dennis Lancaster pled guilty to the offense of aggravated sexual assault and was sentenced to eight years in prison.

See TEX. PENAL CODE ANN. § 22.021. He appeals the trial court's denial of his pretrial motion to set aside the indictment. We affirm the trial court's judgment. In his first issue, Lancaster contends the trial court erred in denying his motion to dismiss his indictment based on a due process violation pursuant to the State's delay of 30 years between the indictment and his arrest.

1 Lancaster cites to United States v. Lovasco, 431 U.S. 783, 97 S. Ct. 2044, 52 L. Ed. 2d 752 (1977), United States v. Marion, 404 U.S. 307, 92 S. Ct. 455, 30 L. Ed. 2d 468 (1971), Smith v. Hooey, 393 U.S. 374, 89 S. Ct. 575, 21 L. Ed. 2d 607 (1969), and United States v. Diacolios, 837 F.2d 79 (2d Cir. 1988) in support of his contention that the State's delay violated the due process clause and required a dismissal of his indictment.

The cases cited by Lancaster, however, do not support his issue. The United States Supreme Court in both Lovasco and Marion reviewed potential due process violations for preindictment delay, not post-indictment/pre-arrest delay. See Lovasco, 431 U.S. at 790; Marion, 404 U.S. at 325. Further, the opinions in Hooey and Diacolios pertain solely to a Sixth Amendment right to a speedy trial not the denial of due process.

See Hooey, 393 U.S. at 383; Diacolios, 837 F.2d at 80. In other words, Lancaster has presented this Court with no case authority to support his issue that the trial court erred. See TEX. R. APP. P. 38.1(i); Neville v. State, 622 S.W.3d 99, 104 (Tex. App.—Waco 2020, no pet.).

Thus, this issue is improperly briefed and presents nothing for review. See *id.*; Solis v. State, No. AP-77,109, 2025 Tex. Crim. App. LEXIS 795, at \*35 (Crim. App. Oct. 30, 2025) (publish); Lucio v. 1 Lancaster raised a Sixth Amendment right to speedy trial claim as well as the due process claim in the trial court.

However, on appeal, he only challenges the trial court's determination of his due process claim. Lancaster v. State Page 2 State, 351 S.W.3d 878, 896 (Tex. Crim. App. 2011). Lancaster's first

issue is overruled. In his second issue, Lancaster complains the trial court did not prepare findings of fact and conclusions of law as requested, and thus, we should require the trial court to do so.

The State asserted in its brief that the appellate record does not contain a request for findings of fact and conclusions of law. Lancaster has not contested the State's assertion, and we have not found any request in the record as well. <sup>2</sup> Thus, because there is nothing in the record to indicate Lancaster requested findings of fact and conclusions of law, this issue is not preserved and is overruled.

See TEX. R. APP. P. 33.1. Having overruled each issue on appeal, we affirm the trial court's judgment. LEE HARRIS Justice OPINION DELIVERED and FILED: March 19, 2026 Before Justice Smith, Justice Harris, and Senior Chief Justice Rose <sup>3</sup> Affirmed Do Not Publish CR25 2 The record contains a motion for extension of time to file a request for findings of fact and conclusions of law and a notice of past due findings and conclusions; but it does not contain the required request.

<sup>3</sup> The Honorable Jeff Rose, Senior Chief Justice (Retired) of the Third Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. See TEX. GOV'T CODE §§ 74.003, 75.002, 75.003. Lancaster v. State Page 3