

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PRECEDENTIAL VALUE	nonprecedential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)

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