

TEXAS COURT OF CRIMINAL APPEALS

Bobby Carl Lennox v. The State of Texas

No. PD-0284-25 · No. PD-0284-25 · Decided January 29, 2026

SUMMARY

The Texas Court of Criminal Appeals affirmed the Sixth Court of Appeals in this forgery case. The court held that the omission of Texas Penal Code section 32.21(e-1)'s purpose element and value ladder from the jury charge constituted charge error that did not require preservation because those provisions were applicable offense elements. The court further held that the error was egregiously harmful because it foreclosed potentially lesser misdemeanor convictions and punishments.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
WRITING FOR THE COURT	Keel, J.; Richardson, J.; Newell, J.; Walker, J.; McClure, J.; Parker, J.; Finley, J.; Schenck, P.J.; Yearly, J.
JURISDICTION	Texas Court of Criminal Appeals
DECIDED	January 29, 2026
DOCKET	PD-0284-25
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State petitioned for discretionary review of the Sixth Court of Appeals' decision on remand, which held that an unobjected-to jury-charge omission concerning Texas Penal Code section 32.21(e-1) was egregiously harmful, modified the convictions to Class B misdemeanors, and remanded for a new punishment hearing.
STANDARD OF REVIEW	Unobjected-to jury-charge error is reviewed for egregious harm under Almanza. Whether preservation was required was resolved as a legal issue based on the statutory classification of section 32.21(e-1) as an offense element and law applicable to the case.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Texas Court of Criminal Appeals.
PARTIES	Bobby Carl Lennox v. The State of Texas

TOPICS

jury instructions

criminal procedure

preservation of error

standard of review

statutory interpretation

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the court of appeals correctly held that Lennox did not need to preserve by objection the claim that he was prosecuted under the wrong forgery-statute subsection.
2. Whether the court of appeals correctly applied the egregious-harm standard to the omission of Texas Penal Code section 32.21(e-1)'s purpose element and value ladder from the jury charge.

HOLDINGS

1. No objection was required to preserve the jury-charge error because section 32.21(e-1) supplied offense elements and constituted law applicable to the case when the evidence raised it and its application would result in a lower offense classification.
2. The court of appeals correctly reviewed the unobjected-to omission of section 32.21(e-1)'s purpose element and value ladder for egregious harm and correctly determined that the omission was egregiously harmful.

KEY QUOTATIONS

“A trial court must instruct on offense elements even absent objection because they are law applicable to the case.” (Lennox—7)

“The court of appeals correctly decided that the jury charge error did not require preservation and was egregiously harmful because it omitted offense elements that might have subjected Appellant to a lower conviction level.” (Lennox—11)

FACTUAL BACKGROUND

In 2019, Lennox passed three checks stolen from an estate sale. The checks, totaling between \$100 and \$750, were payable to Lennox, drawn on the account of deceased estate owner James McKnight, and purportedly signed by McKnight. Lennox cashed the checks at a convenience store, and the evidence showed that he committed the forgeries to obtain money.

PROCEDURAL HISTORY

Lennox was convicted of three felony check-forgery offenses. On his first appeal, the Sixth Court of Appeals modified the convictions to Class B misdemeanors and remanded for a new punishment hearing; the Texas Court of Criminal Appeals consolidated that matter with State v. Green and remanded for consideration of preservation issues. On remand, the court of appeals again modified the convictions and remanded for a new punishment hearing, holding that the unobjected-to jury-charge error was egregiously harmful. The Court of Criminal Appeals affirmed the court of appeals' judgment.

DISPOSITION

affirmed

CASES CITED

- *Lennox v. State*, 613 S.W.3d 597 (Tex. App.—Texarkana 2020), pet. granted
- *State v. Green*, 682 S.W.3d 253 (Tex. Crim. App. 2024)
- *Posey v. State*, 966 S.W.2d 57 (Tex. Crim. App. 1998)
- *Almanza v. State*, 686 S.W.2d 157 (Tex. Crim. App. 1984) (op. on reh'g)
- *Mills v. State*, 722 S.W.2d 411 (Tex. Crim. App. 1986)
- *Azeez v. State*, 248 S.W.3d 182 (Tex. Crim. App. 2008)
- *Apprendi v. New Jersey*, 530 U.S. 466 (2000)
- *Lennox v. State*, No. 06-19-00164-CR, 2025 WL 793896 (Tex. App.—Texarkana Mar. 13, 2025) (mem. op., not designated for publication)