

TEXAS COURT OF APPEALS, THIRTEENTH DISTRICT, CORPUS CHRISTI–
EDINBURG

James Earnest Blackmon v. the State of Texas

No. 13-24-00604-CR (Tex. App.—Corpus Christi–Edinburg Feb. 19, 2026) · No. 13-24-00604-CR · Decided
February 19, 2026

SUMMARY

The Texas Thirteenth Court of Appeals affirmed James Earnest Blackmon’s conviction for continuous sexual abuse of a young child and forty-year prison sentence. The court held that Blackmon could not demonstrate harm from the denial of his challenges for cause and request for additional peremptory strikes because he did not use peremptory strikes against the challenged jurors or identify an objectionable juror whom he would have removed.

CASE DETAILS

COURT	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jaime Tijerina, Chief Justice; Justice West; Justice Fonseca
JURISDICTION	Texas Court of Appeals, Thirteenth District
DECIDED	February 19, 2026
DOCKET	13-24-00604-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Blackmon appealed his jury conviction for continuous sexual abuse of a young child and forty-year prison sentence, challenging the denial of his challenges for cause to four prospective jurors and his request for additional peremptory challenges.
STANDARD OF REVIEW	The court reviewed the trial court's ruling on challenges for cause and the request for additional peremptory strikes under the applicable harm and error-preservation requirements. Reversible error in a criminal case was governed by Texas Rule of Appellate Procedure 44.2.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; not designated for publication.
PARTIES	James Earnest Blackmon v. The State of Texas

TOPICS

jury selection

preservation of error

harmless error

criminal procedure

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Blackmon's challenges for cause to four prospective jurors.
2. Whether Blackmon demonstrated harm from the denial of his challenges for cause and request for additional peremptory strikes.
3. Whether Blackmon preserved a complaint concerning the denial of additional peremptory challenges when he did not identify an objectionable juror on the record.

HOLDINGS

1. A defendant challenging the denial of a challenge for cause must show that he used a peremptory strike on the complained-of venire member and suffered a detriment from the loss of that strike, along with the required procedural steps demonstrating harm.
2. A defendant seeking relief based on the denial of additional peremptory strikes must identify on the record an objectionable juror whom he would have removed with the additional strike.

KEY QUOTATIONS

“Therefore, appellant cannot demonstrate “the loss of a peremptory strike” because he did not use any peremptory strikes on the challenged venirepersons who ultimately served on the jury.” (4)

“Because appellant failed to identify any objectionable juror as he was required to do, he cannot demonstrate harm.” (5)

FACTUAL BACKGROUND

During voir dire in a continuous-sexual-abuse prosecution, defense counsel asked prospective jurors whether they could consider a five-year sentence if Blackmon were convicted. Twenty-one venirepersons initially said they could not, including J.C., M.S., K.H., and C.M. After the trial court clarified that the jurors would be instructed to consider the full statutory range of five to ninety-nine years and asked whether they could follow that instruction, those four jurors answered yes. Blackmon challenged them for cause, requested approximately twelve additional peremptory strikes, and was denied; he did not use peremptory strikes to remove the four jurors, identify an objectionable juror, or show that he lost a peremptory strike as a result.

PROCEDURAL HISTORY

A jury convicted Blackmon of continuous sexual abuse of a young child, a first-degree felony, and the trial court assessed punishment at forty years' imprisonment. During voir dire, the trial court denied challenges for cause to

four prospective jurors and denied Blackmon's request for additional peremptory strikes. The four challenged jurors served on the jury. The court of appeals overruled Blackmon's sole issue and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Hudson v. State, 620 S.W.3d 726, 729–730 (Tex. Crim. App. 2021)
- Comeaux v. State, 445 S.W.3d 745, 747, 750, 752 (Tex. Crim. App. 2014)
- Johnson v. State, 43 S.W.3d 1, 5 n.6 (Tex. Crim. App. 2001)
- Buntion v. State, 482 S.W.3d 58, 83 (Tex. Crim. App. 2016)
- Daniel v. State, 485 S.W.3d 24, 33–34 (Tex. Crim. App. 2016)
- Salazar v. State, No. 13-24-00024-CR, 2025 WL 3545566, at *1 (Tex. App.—Corpus Christi–Edinburg Dec. 11, 2025, pet. filed)
- Sanchez v. State, No. 02-15-00302-CR, 2016 WL 6123641, at *8 (Tex. App.—Fort Worth Oct. 20, 2016, pet. ref'd) (mem. op., not designated for publication)
- Nava v. State, 415 S.W.3d 289, 308 (Tex. Crim. App. 2013)
- Stanley v. State, No. 02-17-00084-CR, 2018 WL 3153542, at *7 (Tex. App.—Fort Worth June 28, 2018, pet. ref'd) (mem. op., not designated for publication)