

COURT OF APPEALS, SIXTH APPELLATE DISTRICT OF TEXAS AT
TEXARKANA

Joseph Bebout West, Jr. v. The State of Texas

No. 06-25-00139-CR · No. 06-25-00139-CR · Decided April 27, 2026

SUMMARY

The Sixth Court of Appeals of Texas at Texarkana affirmed Joseph Bebout West, Jr.'s conviction for assault involving family violence and his one-year sentence. The court held that West forfeited his challenge to a juror's impartiality by failing to raise it before the jury was empaneled and sworn. The court also held that the evidence did not warrant a jury instruction on consent and affirmed the trial court's judgment.

CASE DETAILS

COURT	Court of Appeals, Sixth Appellate District of Texas at Texarkana
WRITING FOR THE COURT	Justice Charles van Cleef; Chief Justice Stevens; Justice van Cleef; Justice Rambin
JURISDICTION	Court of Appeals, Sixth Appellate District of Texas at Texarkana
DECIDED	April 27, 2026
DOCKET	06-25-00139-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	West appealed his conviction for assault, family violence, and his one-year sentence, challenging the denial of his motion for new trial based on an allegedly biased juror and asserting jury-charge error based on the trial court's failure to submit a consent instruction.
STANDARD OF REVIEW	The denial of a motion for new trial is reviewed for abuse of discretion; the appellate court views the evidence in the light most favorable to the trial court's ruling and will reverse only when no reasonable view of the record supports the ruling. Jury-charge claims are reviewed under Almanza's two-step framework: the court first determines whether error exists and then evaluates the resulting harm; when charge error is unpreserved, reversal requires egregious harm.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; marked Do Not Publish.
PARTIES	Joseph Bebout West, Jr. v. The State of Texas

TOPICS

jury selection

jury instructions

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying West's motion for new trial based on an allegedly biased juror who was the Mayor of Longview.
2. Whether West forfeited his right to complain about the juror's alleged bias by failing to ask specific voir dire questions or object before the jury was empaneled and sworn.
3. Whether the evidence raised the defense of consent so as to require an instruction under Texas Penal Code section 22.06.
4. Whether the trial court committed reversible jury-charge error under Almanza.

HOLDINGS

1. West forfeited his right to complain about juror number six because defense counsel did not ask specific voir dire questions that would have revealed the juror's position as mayor and did not timely raise the challenge before the jury was empaneled and sworn.
2. The trial court did not abuse its discretion in denying West's motion for new trial.
3. The trial court was not required to instruct the jury on consent because the evidence that Bowen pushed West away showed, at most, provocation and did not show that Bowen expressly or impliedly consented to West's assaultive conduct or that West reasonably believed she consented.
4. There was no jury-charge error because the evidence did not raise the consent defense; therefore, the court did not reach a harm analysis requiring reversal.

KEY QUOTATIONS

"All grounds for challenge for cause may be forfeited, and a challenge for cause is forfeited if not made." (at 3)

"An accused has the right to an instruction on any defense raised by the evidence, whether that evidence is weak or strong, unimpeached or contradicted, and regardless of what the trial court thinks about the credibility of the evidence." (at 7)

"However, even in viewing the evidence in the light most favorable to West for a consent instruction, we cannot conclude that there was evidence that Bowen assented, expressly or impliedly, to the assaultive conduct of West, nor can we conclude that there was evidence that West believed Bowen had consented." (at 9)

FACTUAL BACKGROUND

West and the complainant, Jamey Bowen, had been in a romantic relationship for approximately ten years. During an argument over Bowen's missing wallet, Bowen testified that West yelled at her, shoved her onto a bed, repeatedly pushed her down, and placed a pillow over her face; she escaped to a vehicle and called 9-1-1. Bowen also testified that she pushed West away while attempting to escape, and West argued that this evidence entitled him to a consent instruction. After trial, West learned that juror number six was the Mayor of Longview and argued that the juror's position demonstrated bias.

PROCEDURAL HISTORY

A Gregg County jury found West guilty of assault, family violence, under Texas Penal Code section 22.01(a)(1). The County Court at Law No. 1 of Gregg County sentenced him to one year of incarceration. The Sixth Court of Appeals affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- Burch v. State, 541 S.W.3d 816, 820 (Tex. Crim. App. 2017)
- Hicks v. State, 606 S.W.3d 308, 314-18 (Tex. App.—Houston [1st Dist.] 2020, pet. ref'd)
- Colyer v. State, 428 S.W.3d 117, 122 (Tex. Crim. App. 2014)
- Holden v. State, 201 S.W.3d 761, 763 (Tex. Crim. App. 2006)
- Franklin v. State, 138 S.W.3d 351, 354-56 (Tex. Crim. App. 2004)
- Linnell v. State, 935 S.W.2d 426, 428 (Tex. Crim. App. 1996)
- Morgan v. Illinois, 504 U.S. 719, 729 (1992)
- Raby v. State, 970 S.W.2d 1, 10 (Tex. Crim. App. 1998)
- Armstrong v. State, 897 S.W.2d 361, 363-64 (Tex. Crim. App. 1995) (per curiam)
- Webb v. State, 232 S.W.3d 109, 112-14 (Tex. Crim. App. 2007)
- Ex parte Perez, 525 S.W.3d 325, 339 (Tex. App.—Houston [14th Dist.] 2017, no pet.)
- Vera v. State, 496 S.W.3d 293, 295 (Tex. App.—San Antonio 2016, pet. ref'd)
- Gonzales v. State, 3 S.W.3d 915, 916-17 (Tex. Crim. App. 1999)
- Brandon v. State, 599 S.W.2d 567, 577 (Tex. Crim. App. 1979)
- Dorsey v. State, No. 12-25-00134-CR, 2026 WL 775871, at *4 (Tex. App.—Tyler Mar. 18, 2026, no pet. h.)
- Almanza v. State, 686 S.W.2d 157, 171 (Tex. Crim. App. 1984)
- Rodriguez v. State, 758 S.W.2d 787 (Tex. Crim. App. 1988)
- Gomez v. State, 459 S.W.3d 651, 660 (Tex. App.—Tyler 2015, pet. ref'd)
- Kuhn v. State, 393 S.W.3d 519, 524 (Tex. App.—Austin 2013, pet. ref'd)
- Swearingen v. State, 270 S.W.3d 804, 808 (Tex. App.—Austin 2008, pet. ref'd)
- Ngo v. State, 175 S.W.3d 738, 743 (Tex. Crim. App. 2005)
- Neal v. State, 256 S.W.3d 264, 278 (Tex. Crim. App. 2008)

- Miller v. State, 312 S.W.3d 209, 212-14 (Tex. App.—Houston [14th Dist.] 2010, pet. ref'd)
- Granger v. State, 3 S.W.3d 36, 38 (Tex. Crim. App. 1999)
- Woodfox v. State, 742 S.W.2d 408, 409-10 (Tex. Crim. App. 1987)
- Dyson v. State, 672 S.W.2d 460, 463 (Tex. Crim. App. 1984)
- Garza-Ramirez v. State, Nos. 04-15-00420-CR & 04-15-00421-CR, 2016 WL 1128277, at *3 (Tex. App.—San Antonio Mar. 23, 2016, no pet.)
- Agbor v. State, No. 02-12-00401-CR, 2013 WL 1830679, at *4 (Tex. App.—Fort Worth May 2, 2013, no pet.)
- Skipper v. State, No. 14-00-00484-CR, 2001 WL 893291, at *2 (Tex. App.—Houston [14th Dist.] Aug. 9, 2001, pet. ref'd)
- Carlson v. State, No. B14-92-00173-CR, 1994 WL 64940, at *1 (Tex. App.—Houston [14th Dist.] Mar. 3, 1994, no pet.)
- Allen v. State, 253 S.W.3d 260, 267 (Tex. Crim. App. 2008)
- Jordan v. State, 593 S.W.3d 340, 343 (Tex. Crim. App. 2020)
- Juarez v. State, 308 S.W.3d 398, 404 (Tex. Crim. App. 2010)
- Shaw v. State, 243 S.W.3d 647, 657-58 (Tex. Crim. App. 2007)
- Harper v. State, 508 S.W.3d 461, 465 (Tex. App.—Fort Worth 2015, pet. ref'd)
- Stillwell v. State, 466 S.W.3d 908, 913 (Tex. App.—Fort Worth 2015, no pet.)
- Ashton v. State, 526 S.W.3d 490, 497 (Tex. App.—Houston [1st Dist.] 2017, pet. ref'd)

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