

COURT OF APPEALS OF THE EIGHTH DISTRICT OF TEXAS AT EL PASO

Kenith Harden v. The State of Texas

No. 08-24-00380-CR (Tex. App.—El Paso Feb. 24, 2026) (mem. op.) · No. No. 08-24-00380-CR · Decided February 24, 2026

SUMMARY

The Texas Eighth Court of Appeals affirmed Kenith Harden’s murder conviction arising from the shooting death of Darion Dixon. The court held that the evidence was legally sufficient to support the conviction and that the evidence independently corroborated the testimony of the alleged accomplice regarding Harden’s connection to the offense. The opinion is a memorandum opinion designated “Do Not Publish.”

CASE DETAILS

COURT	Court of Appeals of the Eighth District of Texas at El Paso
WRITING FOR THE COURT	Maria Salas Mendoza, Chief Justice; Palafox, Justice; Soto, Justice
JURISDICTION	Texas Court of Appeals, Eighth District, El Paso
DECIDED	February 24, 2026
DOCKET	No. 08-24-00380-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Harden appealed his murder conviction and forty-year prison sentence, challenging the legal sufficiency of the evidence and the alleged failure to corroborate accomplice testimony.
STANDARD OF REVIEW	The court reviewed the legal sufficiency of the evidence under the Jackson v. Virginia standard, viewing all evidence in the light most favorable to the verdict and asking whether a rational factfinder could have found the essential elements beyond a reasonable doubt. The court deferred to the jury's resolution of credibility conflicts, evidentiary weight, and reasonable inferences. For the accomplice-corroboration issue, the court eliminated the alleged accomplice's testimony and examined the remaining evidence to determine whether any evidence tended to connect Harden to the offense.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked "Do Not Publish."
PARTIES	Kenith Harden v. The State of Texas

TOPICS

criminal procedure

evidence

appellate procedure

standard of review

appellate jurisdiction

PRACTICE AREAS

Texas criminal law

criminal appellate practice

evidence

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support Harden's murder conviction, particularly proof that Harden caused Dixon's death.
2. Whether Scott Bush was an accomplice whose testimony required corroboration under Texas Code of Criminal Procedure article 38.14, and whether the non-accomplice evidence tended to connect Harden to the offense.

HOLDINGS

1. The evidence was legally sufficient for a rational jury to find beyond a reasonable doubt that Harden murdered Dixon.
2. Bush was not shown to be an accomplice, and, in any event, non-accomplice evidence sufficiently tended to connect Harden to Dixon's murder; article 38.14 did not require evidence specifically connecting Harden to the murder weapon.

KEY QUOTATIONS

“In reviewing the legal sufficiency of the evidence to support a criminal conviction, we view all the evidence in the light most favorable to the verdict to determine whether a rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” (at 5)

“When evaluating the sufficiency of corroborating evidence, we “eliminate the accomplice testimony from consideration and then examine the remaining portions of the record to see if there is any evidence that tends to connect the accused with the commission of the crime.”” (at 11)

“An accomplice is a person who participates in the offense before, during, or after its commission with the requisite mental state. Presence at the crime scene does not make a person an accomplice; an accomplice must have engaged in an affirmative act that promotes the commission of the offense that the accused committed.” (at 12)

FACTUAL BACKGROUND

Darion Dixon was shot with a shotgun at the Vista del Rey Apartments in San Antonio on April 27, 2022, and later died from complications of multiple shotgun wounds. Shortly before the shooting, Harden came to a resident's apartment asking about a necklace, and Dixon identified the shooter as "Kenny" or "King" to several witnesses and responding officers. Witnesses placed Harden at the apartment complex and saw him leave carrying a long object resembling a gun; investigators also connected shotgun shells recovered at the scene to a

shotgun that Scott Bush testified he had loaned to Harden. Harden's phone-location records placed him at the complex, and his recorded statements about his presence and relationship with Dixon were inconsistent.

PROCEDURAL HISTORY

Harden was indicted for murder in Bexar County, tried before a jury, found guilty, and sentenced to forty years in prison. The appeal was transferred to the Eighth District Court of Appeals under the Texas Supreme Court's docket-equalization efforts. The appellate court previously abated and remanded the appeal for a hearing concerning Harden's intent to continue after his appellate brief was not received; Harden appeared and confirmed that he wished to continue. The court then addressed the merits and affirmed.

DISPOSITION

affirmed

CASES CITED

- Hooper v. State, 214 S.W.3d 9, 13 (Tex. Crim. App. 2007)
- Jackson v. Virginia, 443 U.S. 307, 318-319 (1979)
- Brooks v. State, 323 S.W.3d 893, 895, 899-900, 902 (Tex. Crim. App. 2010)
- Isassi v. State, 330 S.W.3d 633, 638 (Tex. Crim. App. 2010)
- Thornton v. State, 425 S.W.3d 289, 303 (Tex. Crim. App. 2014)
- Blankenship v. State, 780 S.W.2d 198, 207 (Tex. Crim. App. 1988) (en banc)
- Dobbs v. State, 434 S.W.3d 166, 170 (Tex. Crim. App. 2014)
- Gardner v. State, 306 S.W.3d 274, 285-286 (Tex. Crim. App. 2009)
- Saxton v. State, 804 S.W.2d 910, 913-914 (Tex. Crim. App. 1991) (en banc)
- Metcalf v. State, 597 S.W.3d 847, 855 (Tex. Crim. App. 2020)
- Ramirez v. State, 842 S.W.2d 796, 800 (Tex. App.—El Paso 1992, no pet.)
- Rubio v. State, No. 08-00-00341-CR, 2002 WL 125732, at *3 (Tex. App.—El Paso Jan. 31, 2002, no pet.)
- Bonham v. State, 680 S.W.2d 815, 819 (Tex. Crim. App. 1984), cert. denied, 474 U.S. 865 (1985)
- United States v. Bagley, 473 U.S. 667, 675 (1985)
- Ash v. State, 533 S.W.3d 878, 884, 886 (Tex. Crim. App. 2017)
- Zamora v. State, 411 S.W.3d 504, 510, 513 (Tex. Crim. App. 2013)
- Solomon v. State, 49 S.W.3d 356, 361 (Tex. Crim. App. 2001)
- Malone v. State, 253 S.W.3d 253, 257 (Tex. Crim. App. 2008)
- Simmons v. State, 282 S.W.3d 504, 509 (Tex. Crim. App. 2009)
- Chambers v. State, 654 S.W.3d 593, 598 n.5 (Tex. App.—Houston [14th Dist.] 2022, pet. ref'd)
- Chapa v. State, No. 05-19-00609-CR, 2020 WL 1129980, at *1 n.1 (Tex. App.—Dallas Mar. 9, 2020, no pet.) (mem. op., not designated for publication)
- In re M.E.R., 995 S.W.2d 287, 291 (Tex. App.—Waco 1999, no pet.)

- In re A.A.B., 110 S.W.3d 553 (Tex. App.—Waco 2003)

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