



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00146-CR

HUEY COLLINS

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 4 OF TARRANT COUNTY
TRIAL COURT NO. 1435521R

CONCURRING MEMORANDUM OPINION¹

In his third point, Appellant argues only that “the trial court abused its discretion in admitting the outcry testimony of Kacie Hand, as she was not a proper outcry witness under the statute.” He reinforces this focus in his reply brief when he argues that “the blanket testimony of Ms. Hand should not have

¹See Tex. R. App. P. 47.4.

been allowed, as argued in Appellant's Brief." Because Appellant does not argue in his briefing that the trial court erred by admitting Macy's testimony under article 38.072, which the majority opinion recognizes, I disagree with the majority opinion addressing and finding error in the admission of Macy's testimony in its discussion of point three. With these comments, I concur in the court's judgment.

/s/ Lee Gabriel
LEE GABRIEL
JUSTICE

DELIVERED: January 12, 2017