



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-20-00002-CR

KENNIE LEWIS COOK, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 5th District Court
Cass County, Texas
Trial Court No. 2019F00101

Before Morriss, C.J., Burgess and Stevens, JJ.
Memorandum Opinion by Chief Justice Morriss
Dissenting Opinion by Justice Stevens

MEMORANDUM OPINION

A Cass County jury convicted Kennie Lewis Cook, Jr., of aggravated sexual assault of a child. Cook was sentenced to forty years' imprisonment, was ordered to pay a \$1,000.00 fine, and was assessed court costs of \$401.00.

On appeal, Cook argues that the jury's verdict is not supported by legally sufficient evidence, the trial court should have ruled on his *Batson*¹ challenge, his counsel rendered ineffective assistance by failing to preserve his *Batson* challenge, the trial court erred by permitting a witness to testify in violation of Rule 614 of the Texas Rules of Evidence, and the trial court erred by allowing an officer to testify that he believed the child victim. We addressed these issues in our opinion of this date in Cook's appeal in companion cause number 06-20-00001-CR.² For the reasons stated therein, we find that legally sufficient evidence supported the jury's verdict of guilt. However, we find that the trial court erred in admitting the officer's direct opinion on the child victim's creditability and conclude that Cook was harmed by the testimony. As a result of that finding, which is dispositive of Cook's remaining issues, we reverse the trial court's judgment and remand the case for a new trial.

Josh R. Morriss, III
Chief Justice

¹*Batson v. Kentucky*, 476 U.S. 79 (1986).

²Cook also appealed from two additional convictions of aggravated sexual assault of a child in companion cause numbers 06-20-00001-CR and 06-20-00003-CR.

DISSENTING OPINION

As set out in my dissenting opinion in cause number 06-20-00001-CR, I respectfully dissent.

Scott E. Stevens
Justice

Date Submitted: November 23, 2020
Date Decided: October 20, 2021

Do Not Publish