



**IN THE
TENTH COURT OF APPEALS**

No. 10-21-00146-CR

JARAD FRANCIS COLA,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 52nd District Court
Coryell County, Texas
Trial Court No. 20-25908**

MEMORANDUM OPINION

Appellant Jarad Francis Cola was convicted by a jury of the offense of continuous sexual abuse of a child under the age of fourteen, a violation of Texas Penal Code section 21.02(b). TEX. PENAL CODE ANN. § 21.02(b). The jury assessed Cola's punishment at life in prison, and the trial court sentenced him accordingly.

In one issue, Cola challenges the facial constitutionality of section 21.02. We will affirm.

Cola concedes that he did not raise this issue at trial and raises it in this appeal to preserve the error for potential review in the Court of Criminal Appeals. A facial challenge to the constitutionality of a statute may not be raised for the first time on appeal. *Karenev v. State*, 281 S.W.3d 428, 434 (Tex. Crim. App. 2009); therefore, Cola's complaint is not preserved for review. *Id.*; *see also* TEX. R. APP. P. 33.1(a)(1).

Accordingly, we overrule Cola's sole issue and affirm the judgment of the trial court.

MATT JOHNSON
Justice

Before Chief Justice Gray,
Justice Johnson, and
Justice Smith

Affirmed

Opinion delivered and filed April 27, 2022

Do not publish
[CRPM]

