

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

Derwin Dewayne Bell v. the State of Texas

No. 09-24-00165-CR · No. No. 09-24-00165-CR · Decided April 8, 2026

SUMMARY

The Ninth Court of Appeals of Texas at Beaumont reviews Derwin Dewayne Bell’s convictions for possession of methamphetamine, heroin, and cocaine with intent to deliver. Bell challenged the legal sufficiency of the evidence and argued that the jury charge improperly omitted a requirement concerning federal registration or exemption. The court concluded that the evidence was legally sufficient and that the jury charge was not erroneous, and it affirmed the trial court’s judgment.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Johnson, J.; Wright, J.; Chambers, J.
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	April 8, 2026
DOCKET	No. 09-24-00165-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bell appealed jury convictions for three counts of possession of a controlled substance with intent to deliver, challenging the legal sufficiency of the evidence and the omission of instructions concerning registration or exemption from registration with the Federal Drug Enforcement Administration.
STANDARD OF REVIEW	Legal-sufficiency claims are reviewed by considering all evidence in the light most favorable to the verdict and determining whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. The court does not reweigh evidence or assess witness credibility. For jury-charge claims, the court first determines whether error exists and, only if error exists, evaluates harm; an unrequested defensive instruction is not required unless the issue was raised and requested or objected to.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Derwin Dewayne Bell v. The State of Texas

TOPICS

criminal procedure

evidence

standard of review

jury instructions

statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

controlled substances

appellate law

QUESTIONS PRESENTED

1. Whether legally sufficient evidence supported Bell's convictions because the State allegedly failed to establish that the substances were in Penalty Group 1.
2. Whether legally sufficient evidence supported a finding that Bell possessed the controlled substances.
3. Whether the State was required to prove that Bell was not registered with or exempt from registration with the Federal Drug Enforcement Administration, or that the exceptions in Texas Health and Safety Code section 481.062 did not apply.
4. Whether the jury charge was erroneous because it did not require the jury to find that Bell was not registered or exempt from registration with the DEA and did not include the statutory presumption concerning the absence of a registration or order form.

HOLDINGS

1. Heroin, cocaine, and methamphetamine are controlled substances in Penalty Group 1 by statutory definition, and the substances' penalty-group classification is a question of law rather than a fact the State was required to separately prove to the jury.
2. The evidence was legally sufficient to establish Bell's possession of the controlled substances because the cumulative force of the affirmative links connected him to the drugs in the vehicle and at the Fadal residence.
3. The State was not required to plead or prove that Bell was not registered with or exempt from registration with the DEA, or that the section 481.062 exceptions did not apply. Those matters are defensive issues on which Bell bore the burden of producing evidence, and the trial court did not err by omitting unrequested instructions because Bell offered no such evidence and did not object or request an instruction.

KEY QUOTATIONS

“However, “mere presence at a place where contraband is being used or possessed by others does not justify finding that a person is in joint possession or is a party to an offense.”” (20)

“It is . . . not the number of links that is dispositive, but rather the logical force of all of the evidence, direct and circumstantial.” (21)

“The Controlled Substances Act explicitly removes the Penal Code’s pleading requirement of negating any exemptions or exceptions in an indictment and places the burden of going forward with evidence with respect to such exemptions or exceptions upon the defendant.” (24)

FACTUAL BACKGROUND

Law enforcement stopped a vehicle in which Bell was a backseat passenger and found multiple suspected controlled substances, packaging materials, scales, and approximately \$1,700 in Bell's pockets. Bell had been observed leaving a residence known as a gang hangout and drug stash house with a backpack, and the vehicle and residence contained drugs and packaging with similarities. The residence also contained large quantities of methamphetamine, heroin-related substances, cocaine, marijuana, firearms, cash, and other evidence linking Bell to the premises, including mail, clothing, identification, and gang-related materials. Laboratory testing confirmed methamphetamine, heroin-related substances, and cocaine in quantities corresponding to the charged offenses.

PROCEDURAL HISTORY

Bell was indicted in the 19th District Court of McLennan County for possession of methamphetamine, heroin, and cocaine with intent to deliver. A jury found him guilty on all three counts and assessed prison sentences of seventy, sixty, and seventy years, respectively. The trial court entered judgment, including a consecutive-sentence order on Count I, and Bell appealed.

DISPOSITION

affirmed

CASES CITED

- Metcalf v. State, 597 S.W.3d 847, 855 (Tex. Crim. App. 2020)
- Hooper v. State, 214 S.W.3d 9, 13, 16 (Tex. Crim. App. 2007)
- Malik v. State, 953 S.W.2d 234, 240 (Tex. Crim. App. 1997)
- Williams v. State, 235 S.W.3d 742, 750 (Tex. Crim. App. 2007)
- Balderas v. State, 517 S.W.3d 756, 766 (Tex. Crim. App. 2016)
- Cleveland v. State, No. 05-19-00515-CR, 2020 Tex. App. LEXIS 3622, at *2 (Tex. App.—Dallas Apr. 29, 2020, no pet.)
- Clark v. State, No. 06-25-00049-CR, 2026 Tex. App. LEXIS 1060, at *17 (Tex. App.—Texarkana Feb. 4, 2026, pet. filed)
- Plumlee v. State, No. 02-17-00174-CR, 2018 Tex. App. LEXIS 4845, at *11 (Tex. App.—Fort Worth June 28, 2018, pet. ref'd)
- Lindsay v. State, No. 06-11-00242-CR, 2012 Tex. App. LEXIS 6249, at *4-5 (Tex. App.—Texarkana July 31, 2012, no pet.)
- Black v. State, 491 S.W.2d 428, 431 (Tex. Crim. App. 1973)
- Faulkner v. State, 549 S.W.2d 1, 4 (Tex. Crim. App. 1976)
- Nixon v. State, 928 S.W.2d 212, 215 (Tex. App.—Beaumont 1996, no pet.)
- King v. State, 895 S.W.2d 701, 703 (Tex. Crim. App. 1995)
- McGoldrick v. State, 682 S.W.2d 573, 578 (Tex. Crim. App. 1985)

- State v. Derrow, 981 S.W.2d 776, 779 (Tex. App.—Houston [1st Dist.] 1998, pet. ref'd)
- Roberson v. State, 80 S.W.3d 730, 735 (Tex. App.—Houston [1st Dist.] 2002, pet. ref'd)
- Poindexter v. State, 153 S.W.3d 402, 405-06 (Tex. Crim. App. 2005)
- Evans v. State, 202 S.W.3d 158, 162 (Tex. Crim. App. 2006)
- Threlkeld v. State, 558 S.W.2d 472, 473 (Tex. Crim. App. 1977)
- Brewster v. State, 606 S.W.2d 325, 329 n.10 (Tex. Crim. App. 1980)
- Johnson v. State, 705 S.W.2d 154, 155-56 (Tex. App.—Texarkana 1985, no writ)
- Rodriquez v. State, 561 S.W.2d 4, 4-5 (Tex. Crim. App. [Panel Op.] 1978)
- Dowden v. State, 455 S.W.3d 252, 255 (Tex. App.—Fort Worth 2015, no pet.)
- Dudley v. State, 58 S.W.3d 296, 301 (Tex. App.—Beaumont 2001, no pet.)
- Nowling v. State, 801 S.W.2d 182, 185 (Tex. App.—Houston [14th Dist.] 1990, pet. ref'd)
- Mendez v. State, 545 S.W.3d 548, 551-52 (Tex. Crim. App. 2018)
- Vasquez v. State, 389 S.W.3d 361, 366 (Tex. Crim. App. 2012)
- Abdnor v. State, 871 S.W.2d 726, 731 (Tex. Crim. App. 1994)
- Dinkins v. State, 894 S.W.2d 330, 339 (Tex. Crim. App. 1995)
- Jordan v. State, 593 S.W.3d 340, 343 (Tex. Crim. App. 2020)
- Ngo v. State, 175 S.W.3d 738, 744 (Tex. Crim. App. 2005)
- Tottenham v. State, 285 S.W.3d 19, 30 (Tex. App.—Houston [1st Dist.] 2009, pet. ref'd)
- Posey v. State, 966 S.W.2d 57, 62 (Tex. Crim. App. 1998)