

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

Terry Antonio Johnson III v. the State of Texas

No. 09-24-00161-CR · No. 09-24-00161-CR · Decided May 27, 2026

SUMMARY

The Ninth District Court of Appeals of Texas considers Terry Antonio Johnson III’s appeal from a murder conviction and life sentence with a \$10,000 fine. Johnson challenged the sufficiency of the evidence supporting rejection of his self-defense claim, denial of a continuance based on alleged late discovery, effectiveness of counsel, and exclusion of testimony from the decedent’s girlfriend. The court affirmed the trial court’s judgment.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	W. Scott Golemon, Chief Justice; Johnson, Justice; Wright, Justice
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	May 27, 2026
DOCKET	09-24-00161-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed his jury conviction for first-degree murder and life sentence with a \$10,000 fine, challenging the sufficiency of the evidence supporting rejection of self-defense, denial of a continuance based on alleged late discovery and Brady violations, ineffective assistance of counsel, and exclusion of testimony or recorded statements concerning the victim's girlfriend.
STANDARD OF REVIEW	Legal sufficiency is reviewed under Jackson v. Virginia by viewing all evidence in the light most favorable to the verdict and asking whether any rational factfinder could have found the essential elements beyond a reasonable doubt and rejected self-defense beyond a reasonable doubt. The jury is the sole judge of witness credibility and evidentiary weight, and the appellate court does not reweigh evidence. Preservation issues require a timely, sufficiently specific complaint and an adverse ruling or an objection to the trial court's refusal to rule. Ineffective-assistance claims are reviewed under Strickland's deficient-performance and prejudice prongs, with highly deferential review; on a silent direct-appeal record, deficient performance is found only when

	the conduct was so outrageous that no competent attorney would have engaged in it. Exclusion-of-evidence claims require an offer of proof and an adverse ruling or objection to the refusal to rule.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked Do Not Publish.
PARTIES	Terry Antonio Johnson III v. The State of Texas

TOPICS

criminal procedure self defense appellate procedure preservation of error ineffective assistance

PRACTICE AREAS

Texas criminal law criminal appellate practice criminal procedure evidence
ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support the jury's rejection of Johnson's self-defense claim and his murder conviction.
2. Whether the trial court erred by effectively denying Johnson's motion for continuance based on alleged violations of Texas Code of Criminal Procedure article 39.14 and *Brady v. Maryland*.
3. Whether Johnson received ineffective assistance of counsel based on counsel's handling of the continuance and late-produced evidence, failure to call an eyewitness, failure to challenge forensic and ballistics evidence, and failure to request an instruction on abuse of a corpse.
4. Whether the trial court improperly excluded testimony or a recorded conversation involving Rebollar's girlfriend and whether Johnson preserved that complaint for appellate review.

HOLDINGS

1. The evidence was legally sufficient for a rational jury to reject Johnson's self-defense claim and find that he knowingly and intentionally caused Rebollar's death.
2. Johnson failed to preserve both his *Brady* complaint and his article 39.14 complaint because the record did not show that he raised the *Brady* issue in the trial court, presented the continuance motion for a ruling, obtained an adverse ruling, or objected to the trial court's refusal to rule.
3. Johnson failed to establish ineffective assistance of counsel on direct appeal because the silent record did not demonstrate deficient performance or prejudice, and counsel's challenged conduct was not shown to be so outrageous that no competent attorney would have engaged in it.
4. Johnson failed to preserve any complaint concerning the exclusion of Vo's testimony or the recorded conversation between Vo and Cobb because he did not call Vo, make an adequate offer of proof, obtain an adverse ruling, or object to the trial court's refusal to rule.

KEY QUOTATIONS

“The jury did not have to accept Johnson’s version of events under the circumstances outlined above, since its rejection was “rational in light of the totality of the record,” and the underlying inferences used to reject Johnson’s claims were “reasonable based upon the cumulative force of all of the evidence.”” (at 23)

“By definition one cannot murder a corpse[,]” so when the State alleges murder, it does “not allege all the elements of abuse of corpse or facts from which all the elements of abuse of corpse could be deduced.” (at 31-32)

FACTUAL BACKGROUND

On April 15, 2022, Johnson was riding in the backseat of his brother-in-law Raul Rebollar's truck with two of Rebollar's children. Both Johnson and Rebollar had firearms, and Johnson shot Rebollar multiple times in the back of the head while Rebollar was driving, causing the truck to crash. Johnson admitted the shooting but claimed he acted in self-defense after seeing Rebollar act as though he was reaching for a gun. The evidence included eyewitness accounts, police and body-camera videos, interview recordings, firearm and ballistics evidence, and testimony concerning the bullet trajectories and the parties' conduct before and after the shooting.

PROCEDURAL HISTORY

A grand jury indicted Johnson for first-degree murder. After a jury trial, the jury rejected his self-defense claim, found him guilty, and assessed punishment at life imprisonment plus a \$10,000 fine; the trial court sentenced him accordingly. Johnson timely appealed. His initial appointed appellate counsel filed an Anders brief, after which the court abated the appeal under a Stafford order for appointment of new counsel and rebriefing. The court of appeals overruled all four issues and affirmed.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738, 744-45 (1967)
- High v. State, 573 S.W.2d 807, 810-13 (Tex. Crim. App. [Panel Op.] 1978)
- Stafford v. State, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991)
- Jackson v. Virginia, 443 U.S. 307, 318-19 (1979)
- Hooper v. State, 214 S.W.3d 9, 13, 16-17 (Tex. Crim. App. 2007)
- Metcalf v. State, 597 S.W.3d 847, 855 (Tex. Crim. App. 2020)
- Williams v. State, 235 S.W.3d 742, 750 (Tex. Crim. App. 2007)
- McPherson v. State, 677 S.W.3d 663, 664 (Tex. Crim. App. 2023)
- Balderas v. State, 517 S.W.3d 756, 766 (Tex. Crim. App. 2016)
- Gamino v. State, 537 S.W.3d 507, 510 (Tex. Crim. App. 2017)
- Zuliani v. State, 97 S.W.3d 589, 594 (Tex. Crim. App. 2003)
- Saxton v. State, 804 S.W.2d 910, 913-14 (Tex. Crim. App. 1991)

- Braughton v. State, 569 S.W.3d 592, 608-12 (Tex. Crim. App. 2018)
- Adames v. State, 353 S.W.3d 854, 860 (Tex. Crim. App. 2011)
- Febus v. State, 542 S.W.3d 568, 572 (Tex. Crim. App. 2018)
- Braughton v. State, 522 S.W.3d 714, 734-35 (Tex. App.—Houston [1st Dist.] 2017), aff'd, 569 S.W.3d 592 (Tex. Crim. App. 2018)
- Brady v. Maryland, 373 U.S. 83, 87 (1963)
- Reyna v. State, 168 S.W.3d 173, 179 (Tex. Crim. App. 2005)
- Martinez v. State, 22 S.W.3d 504, 507 (Tex. Crim. App. 2000)
- Smith v. State, 499 S.W.3d 1, 5 (Tex. Crim. App. 2016)
- Keeter v. State, 175 S.W.3d 756, 759-61 (Tex. Crim. App. 2005)
- Strickland v. Washington, 466 U.S. 668, 687, 689 (1984)
- Lopez v. State, 343 S.W.3d 137, 142 (Tex. Crim. App. 2011)
- Robertson v. State, 187 S.W.3d 475, 483 (Tex. Crim. App. 2006)
- Hernandez v. State, 726 S.W.2d 53, 55-57 (Tex. Crim. App. 1986)
- Thompson v. State, 9 S.W.3d 808, 813 (Tex. Crim. App. 1999)
- Ex parte Jimenez, 364 S.W.3d 866, 883 (Tex. Crim. App. 2012)
- Hart v. State, 667 S.W.3d 774, 782 (Tex. Crim. App. 2023)
- Goodspeed v. State, 187 S.W.3d 390, 392 (Tex. Crim. App. 2005)
- King v. State, 649 S.W.2d 42, 44 (Tex. Crim. App. 1983)
- Perez v. State, 310 S.W.3d 890, 894 (Tex. Crim. App. 2010)
- Cardenas v. State, 30 S.W.3d 384, 392 (Tex. Crim. App. 2000)
- Foyt v. State, 602 S.W.3d 23, 40 (Tex. App.—Houston [14th Dist.] 2020, pet. ref'd)
- Holmes v. State, 323 S.W.3d 163, 168 (Tex. Crim. App. 2010)
- Castillo v. State, 573 S.W.3d 869, 881 (Tex. App.—Houston [1st Dist.] 2019, pet. ref'd)
- Warner v. State, 969 S.W.2d 1, 2 (Tex. Crim. App. 1998)
- Montanez v. State, 195 S.W.3d 101, 104 (Tex. Crim. App. 2006)
- Rey v. State, 897 S.W.2d 333, 336 (Tex. Crim. App. 1995)

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