

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Charles Edward Johnson v. State of Texas

No. 01-22-00399-CR · No. 01-22-00399-CR · Decided September 7, 2023

SUMMARY

The First Court of Appeals of Texas affirmed Charles Edward Johnson’s fifteen-year conviction and sentence for aggravated assault. The court held that Johnson failed to preserve his claim that the exclusion of certain testimony and photographs violated his constitutional right to present a complete defense.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Julie Countiss; Justice Landau; Justice Countiss; Justice Guerra
JURISDICTION	Texas
DECIDED	September 7, 2023
DOCKET	01-22-00399-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed his aggravated-assault conviction and fifteen-year sentence, arguing that the trial court improperly excluded defensive evidence and thereby denied him a meaningful opportunity to present a complete defense.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; designated do not publish under Texas Rule of Appellate Procedure 47.2(b).
PARTIES	Charles Edward Johnson v. The State of Texas

TOPICS

- criminal procedure
- evidence
- due process
- sixth amendment
- preservation of error

PRACTICE AREAS

- criminal procedure
- evidence
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether Johnson preserved a constitutional complaint that the trial court denied him a meaningful opportunity to present a complete defense by excluding portions of testimony and photographs offered as defensive evidence.

HOLDINGS

1. A defendant must timely and specifically inform the trial court that the exclusion of defensive evidence violates the constitutional right to present a complete defense; otherwise, the complaint is not preserved for appellate review.
2. Exclusion of relevant and reliable evidence violates the constitutional right to present a complete defense only when the evidence forms such a vital portion of the defense that its exclusion effectively precludes the defendant from presenting the defense.

KEY QUOTATIONS

“A trial court’s exclusion of evidence may rise to the level of a constitutional violation if the ruling excludes otherwise relevant and reliable evidence which “forms such a vital portion of the case that exclusion effectively precludes the defendant from presenting a defense.”” (10)

“To preserve a complaint for appellate review, a defendant must show that he first presented to the trial court a timely request, objection, or motion stating the specific grounds for the desired ruling.” (17)

FACTUAL BACKGROUND

Johnson lived in an SUV on property owned by his mother, while the complainant, his aunt, lived in the house. After the complainant cut an extension cord and water hose running from the house to Johnson's SUV, Johnson followed her toward the house and struck her repeatedly, causing severe facial, ear, and eye injuries. Johnson claimed that the complainant threatened him with poultry shears and that he acted in self-defense, but the complainant denied threatening him and the physical evidence supported her account.

PROCEDURAL HISTORY

The 21st District Court of Washington County found Johnson guilty of aggravated assault and assessed punishment at fifteen years' confinement. On appeal, the First Court of Appeals held that Johnson failed to preserve his constitutional complaint because he did not inform the trial court that the evidentiary rulings violated his right to present a complete defense, and it affirmed.

DISPOSITION

affirmed

CASES CITED

- Anderson v. State, 301 S.W.3d 276, 280 (Tex. Crim. App. 2009)
- Potier v. State, 68 S.W.3d 657, 663, 666 (Tex. Crim. App. 2002)
- Harper v. State, 540 S.W.3d 223, 234 (Tex. App.—Houston [1st Dist.] 2018, pet. ref'd)

- Wiley v. State, 74 S.W.3d 399, 405 (Tex. Crim. App. 2002)
- Harris v. State, 152 S.W.3d 786, 794 (Tex. App.—Houston [1st Dist.] 2004, pet. ref'd)
- Griggs v. State, 213 S.W.3d 923, 927 (Tex. Crim. App. 2007)
- Geuder v. State, 115 S.W.3d 11, 13 (Tex. Crim. App. 2003)
- Carter v. State, No. 01-16-00799-CR, 2017 WL 4682187, at *2-3 (Tex. App.—Houston [1st Dist.] Oct. 19, 2017, pet. ref'd) (mem. op., not designated for publication)
- Moore v. State, 295 S.W.3d 329, 333 (Tex. Crim. App. 2009)
- Pena v. State, 285 S.W.3d 459, 464 (Tex. Crim. App. 2009)
- Reyna v. State, 168 S.W.3d 173, 176-79 (Tex. Crim. App. 2005)
- Holland v. State, 802 S.W.2d 696, 699-700 (Tex. Crim. App. 1991)
- Briggs v. State, 789 S.W.2d 918, 924 (Tex. Crim. App. 1990)
- Harrell v. State, No. 14-08-00028-CR, 2009 WL 5818564, at *6 (Tex. App.—Houston [14th Dist.] Sept. 1, 2009, pet. ref'd) (mem. op., not designated for publication)
- Golliday v. State, 560 S.W.3d 664, 670-71 (Tex. Crim. App. 2018)
- Saunders v. State, No. 03-19-00191-CR, 2021 WL 1031343, at *4 (Tex. App.—Austin Mar. 18, 2021, no pet.) (mem. op., not designated for publication)
- Lovill v. State, 319 S.W.3d 687, 691-92 (Tex. Crim. App. 2009)
- Broxton v. State, 909 S.W.2d 912, 918 (Tex. Crim. App. 1995)
- Houston v. State, No. 05-11-00016-CR, 2012 WL 2511588, at *1 (Tex. App.—Dallas July 2, 2012, pet. ref'd) (mem. op., not designated for publication)
- Menjivar v. State, No. 01-10-00132-CR, 2011 WL 2183735, at *1 (Tex. App.—Houston [1st Dist.] June 2, 2011, no pet.) (mem. op., not designated for publication)