

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

Cha-Ka Romain Johnson v. The State of Texas

No. 08-24-00370-CR · No. No. 08-24-00370-CR · Decided June 10, 2026

SUMMARY

The Texas Eighth Court of Appeals affirmed the denial of Cha-Ka Romain Johnson’s second motion for post-conviction DNA testing under Chapter 64 of the Texas Code of Criminal Procedure. The court held that Johnson did not establish that newer testing techniques would produce more accurate or probative results or that comparison of unidentified DNA from the murder weapon with Edwards’s DNA would satisfy the statutory requirements. The court also concluded that substantial independent evidence supported Johnson’s conviction, including under a law-of-parties theory.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Texas, Eighth District, El Paso                                                                                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Lisa J. Soto; Alfredo J. Salas Mendoza, Chief Justice; Yvonne T. Palafox, Justice; Lisa J. Soto, Justice                                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | Texas Court of Appeals, Eighth District                                                                                                                                                                                                                                                                                                                                                                                           |
| DECIDED               | June 10, 2026                                                                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET                | No. 08-24-00370-CR                                                                                                                                                                                                                                                                                                                                                                                                                |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Appeal from the denial of a second post-conviction motion for forensic DNA testing under Chapter 64 of the Texas Code of Criminal Procedure.                                                                                                                                                                                                                                                                                      |
| STANDARD OF REVIEW    | The court defers to the trial court's determinations of historical fact and applications of law to fact that turn on witness credibility and demeanor. When the motion is decided solely on written submissions and the trial court is in no better position than the appellate court, review is de novo. The court concluded that, under the circumstances, the trial court did not abuse its discretion in denying DNA testing. |
| PRECEDENTIAL VALUE    | Unpublished, nonprecedential memorandum opinion                                                                                                                                                                                                                                                                                                                                                                                   |
| PARTIES               | Cha-Ka Romain Johnson v. The State of Texas                                                                                                                                                                                                                                                                                                                                                                                       |

TOPICS

post-conviction relief

evidence

appellate procedure

criminal procedure

standard of review

## PRACTICE AREAS

criminal procedure

post-conviction relief

forensic DNA testing

appellate procedure

## QUESTIONS PRESENTED

1. Whether Johnson established that newer DNA testing techniques offered a reasonable likelihood of results more accurate and probative than prior testing.
2. Whether Chapter 64 authorized Johnson to obtain testing of the unidentified DNA specimen by comparing it specifically to Edwards's DNA.
3. Whether a possible match between the unidentified DNA and Edwards's DNA would satisfy Chapter 64's requirement that exculpatory results would establish by a preponderance of the evidence that Johnson would not have been convicted.
4. Whether the trial court properly denied the Chapter 64 motion based on the substantial independent evidence of Johnson's guilt and the State's use of a law-of-parties theory.
5. Whether the court could address Johnson's separate claim that his statements to law enforcement were obtained without Miranda warnings in this Chapter 64 appeal.

## HOLDINGS

1. Johnson failed to establish that newer DNA testing techniques would provide results more accurate and probative than the prior testing, so he was not entitled to additional testing under Chapter 64.
2. Johnson did not establish a statutory basis under Chapter 64 for requiring the State to compare the unidentified DNA specimen to a specifically selected person's DNA.
3. A possible match between Edwards's DNA and the specimen would not establish Johnson's entitlement to testing because it would not determine the identity of the person who committed the offense or otherwise show that Johnson would not have been convicted.
4. The possible presence of Edwards's or another third party's DNA on the gun would not, without more, exonerate Johnson because the State prosecuted him under a law-of-parties theory and substantial independent evidence supported his conviction.
5. The court did not address Johnson's claim that his statements were obtained without Miranda warnings because a Chapter 64 appeal is limited to issues concerning the post-conviction DNA-testing motion.

## KEY QUOTATIONS

*"Therefore, even if subsequent testing revealed that the DNA specimen found on the gun matched Edwards's DNA—as Johnson speculates it would—this would not necessarily lead to a reasonable probability that the jury would have acquitted Johnson for Hidi's murder."* (13)

*"Because we conclude that Johnson has not met his burden of establishing his entitlement to DNA testing under Chapter 64, the trial court did not abuse its discretion in denying his motion."* (14)

## FACTUAL BACKGROUND

Johnson was convicted in 2008 of capital murder for the shooting death of Hidi Gower. A gun found in the trunk of a car connected to the investigation was linked to the discharged ammunition, but DNA testing found an unidentified female contributor and excluded Johnson; the State did not obtain comparison samples from Edwards or other potential contributors. Johnson's second Chapter 64 motion sought newer testing and comparison of the unidentified DNA to Edwards's DNA, arguing that a match would undermine Edwards's testimony and potentially exonerate him.

## PROCEDURAL HISTORY

Johnson was convicted of capital murder following a jury trial in 2008. He filed a first Chapter 64 motion in 2020, which was denied and affirmed by the Austin Court of Appeals. In 2024, he filed a second motion seeking newer DNA testing of an unidentified specimen found on the murder weapon and comparison of that specimen to Edwards's DNA. The convicting court denied the motion, and the Eighth District, reviewing the transferred appeal, affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Johnson v. State, No. 03-08-00448-CR, 2010 WL 2133900 (Tex. App.—Austin May 28, 2010, pet. ref'd) (mem. op., not designated for publication)
- Johnson v. State, No. 03-20-00461-CR, 2021 WL 5220351 (Tex. App.—Austin Nov. 10, 2021, no pet.) (mem. op., not designated for publication)
- Swearingen v. State, 303 S.W.3d 728, 731, 736 (Tex. Crim. App. 2010)
- Smith v. State, 165 S.W.3d 361, 363 (Tex. Crim. App. 2005)
- Martinez v. State, No. 03-24-00090-CR, 2025 WL 3236286, at \*2 (Tex. App.—Austin Nov. 20, 2025, pet. ref'd) (mem. op., not designated for publication)
- Ex parte Gutierrez, 337 S.W.3d 883, 891, 894-95 (Tex. Crim. App. 2011)
- Holberg v. State, 425 S.W.3d 282, 287 (Tex. Crim. App. 2014)
- Prible v. State, 245 S.W.3d 466, 467-70 (Tex. Crim. App. 2008)
- Routier v. State, 273 S.W.3d 241, 250 (Tex. Crim. App. 2008)
- Leal v. State, 303 S.W.3d 292, 296 (Tex. Crim. App. 2009)
- Hall v. State, 569 S.W.3d 646, 656-59 (Tex. Crim. App. 2019)
- Whitaker v. State, 160 S.W.3d 5, 9 (Tex. Crim. App. 2004)
- Bell v. State, 90 S.W.3d 301, 306 (Tex. Crim. App. 2002) (en banc)
- Wright v. State, No. 02-25-00001-CR, 2025 WL 2458623, at \*3 (Tex. App.—Fort Worth Aug. 26, 2025, no pet.) (mem. op., not designated for publication)
- Goff v. State, 931 S.W.2d 537, 544 (Tex. Crim. App. 1996) (en banc)

- State ex rel. Weeks v. State, 391 S.W.3d 117, 124 (Tex. Crim. App. 2013)
- Hernandez v. State, No. 13-20-00357-CR, 2022 WL 324040, at \*3 (Tex. App.—Corpus Christi-Edinburg Feb. 3, 2022, pet. ref'd) (mem. op., not designated for publication)
- Pegues v. State, 518 S.W.3d 529, 535 (Tex. App.—Houston [1st Dist.] 2017, no pet.)
- Flores v. State, 491 S.W.3d 6, 10 (Tex. App.—Houston [14th Dist.] 2016, pet. ref'd)
- Marable v. State, 85 S.W.3d 287 (Tex. Crim. App. 2002) (en banc)
- Sexton v. State, 51 S.W.3d 604, 611 (Tex. App.—Tyler 2000, pet. ref'd)
- Cathey v. State, 992 S.W.2d 460, 462 (Tex. Crim. App. 1999)
- Gill v. State, 873 S.W.2d 45, 48 (Tex. Crim. App. 1994)

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