

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Noah Michael Johnson v. the State of Texas

Johnson v. State · No. 03-24-00109-CR · Decided December 17, 2025

SUMMARY

The Texas Court of Appeals, Third District, held that the statute of limitations was not tolled by an earlier attempted-murder indictment because the later family-violence charges did not necessarily allege the same act, conduct, or transaction. The court reversed the convictions for assault family violence with a prior family-violence conviction and assault family violence by impeding breath or circulation with a prior family-violence conviction, and remanded for dismissal of the amended indictment.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Gisela D. Triana; Justice Theofanis; Justice Crump
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	December 17, 2025
DOCKET	03-24-00109-CR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Johnson appealed from convictions for assault family violence with a previous family-violence conviction and assault family violence by impeding breath or circulation with a previous family-violence conviction. He challenged the denial of his motions to dismiss based on the statute of limitations and speedy-trial right.
STANDARD OF REVIEW	De novo review applies to the trial court's ruling on the statute-of-limitations issue because whether an indictment is sufficient and whether prosecution is barred by limitations are questions of law.
PRECEDENTIAL VALUE	Nonprecedential unpublished memorandum opinion; marked Do Not Publish.
PARTIES	Noah Michael Johnson v. The State of Texas

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the attempted-murder indictment tolled the statute of limitations for the later family-violence offenses because both indictments alleged the same conduct, act, or transaction.
2. Whether the trial court erred by denying Johnson's motion to dismiss the family-violence charges as barred by the statute of limitations.
3. Whether Johnson's speedy-trial claim required reversal.

HOLDINGS

1. The prior attempted-murder indictment did not toll the statute of limitations for the subsequent family-violence indictment because the indictments did not necessarily allege the same act, conduct, or transaction.
2. The family-violence charges were barred by the statute of limitations, and the trial court erred by denying Johnson's motion to dismiss them.
3. The court did not reach the speedy-trial issue because relief on the statute-of-limitations issue fully resolved the appeal.

KEY QUOTATIONS

“The prior indictment gave him no notice that he would need to preserve any evidence of a defense regarding not being in a dating relationship with Christensen or not causing her bodily injury.” (8)

“We conclude that the subsequent indictment does not necessarily charge the same act, conduct, or transaction as the prior.” (9)

FACTUAL BACKGROUND

On August 13, 2017, while floating the river in New Braunfels, Johnson argued with Samantha Christensen, struck her, threatened to kill her, and pushed and held her head under water. Johnson was arrested in October 2017 and initially indicted for attempted murder. The State's 2023 indictment added family-violence offenses alleging bodily injury and impeded breathing or circulation, along with a prior family-violence conviction and a dating or family relationship with Christensen.

PROCEDURAL HISTORY

Johnson was initially indicted for attempted murder arising from an August 13, 2017 incident. In August 2023, the State obtained a new indictment adding aggravated assault and two family-violence offenses. The trial court denied Johnson's motions to dismiss, but directed a verdict on the attempted-murder and aggravated-assault charges; a jury convicted him on the two family-violence counts and assessed concurrent prison sentences. The court of appeals reversed the convictions because the subsequent indictment was barred by the statute of limitations and remanded for dismissal of that indictment, declining to address the speedy-trial issue.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgments of conviction for Counts III and IV and remand to the trial court for proceedings consistent with the opinion, including dismissal of the subsequent or amended indictment.

CASES CITED

- *Mercier v. State*, 322 S.W.3d 258, 263 (Tex. Crim. App. 2010)
- *Hernandez v. State*, 127 S.W.3d 768, 769, 772-74 (Tex. Crim. App. 2004)
- *State v. West*, 632 S.W.3d 908, 910-15 (Tex. Crim. App. 2021)
- *Marks v. State*, 560 S.W.3d 169, 170-71 (Tex. Crim. App. 2018)
- *Lawrence v. State*, 240 S.W.3d 912, 915 (Tex. Crim. App. 2007)
- *Martinez v. State*, 527 S.W.3d 310, 322 (Tex. App.—Corpus Christi-Edinburg 2017, pet. ref'd)
- *Owens v. State*, __S.W.3d__, 2025 WL 1587690, at *9 (Tex. Crim. App. 2025)
- *Marks v. State*, 525 S.W.3d 403, 417-18 (Tex. App.—Houston [14th Dist.] 2017), aff'd, 560 S.W.3d 169 (Tex. Crim. App. 2018)