

TIBA's Case of the Week

Fourth Court of Appeals

Case Name: *John Steven Meyer v. The State of Texas*

- **OFFENSE:** Possession of a Controlled Substance
- **COUNTY:** Bexar
- **C/A CASE No.** 04-24-00279-CR
- **DATE OF OPINION:** April 29, 2026 **OPINION:** [Justice Adrian Spears](#)
- **DISPOSITION:** Conviction Reversed / Acquittal Entered
- **TRIAL COURT:** 187th D/C; Hon. Stephanie Boyd
- **LAWYERS:** [Charlie Baird](#) & [Mark Stevens](#) (Defense); [Hank Wilkins](#) (State)

[Background Facts] Deputy Jorge Rios testified that on August 5, 2022, he and his partner, Deputy Jesus Salazar, “were working on some tips [their] agency had received in regards to” a house located at 224 Majestic Grove in San Antonio, Texas, and were “covertly surveil[ling]” the house to “see if the information [their agency was] receiving was actually happening at that address.” According to Salazar, “Our unit received a tip in regard to possibly narcotics or some sort of prostitution going on at the residence.” The deputies, who were in plainclothes and in an unmarked car, surveilled the house from 6:00 a.m. to around noon, “observ[ing] a lot of vehicles and [a] little bit of foot traffic there at the residence.” When asked how much “foot traffic” they observed, Salazar estimated three or four people. The deputies decided to return for more surveillance, and on August 8, 2022, they again began their surveillance at 6 a.m. The deputies did not see any comings and goings at the house until 1:20 p.m. when a woman, later identified as Melissa Yanez, left the home with a bright pink bag and got into a black Jeep. Yanez was followed by Deputy Jeffrey Suarez and was stopped for speeding. Suarez asked Yanez if he could search the vehicle, but she refused. Suarez then called a K-9 unit. The K-9 unit arrived, and the dog alerted. Suarez searched the black Jeep and found 370.26 grams of methamphetamine, \$3,670 in cash, digital scales, and baggies.

[The Search] Deputy Brian Wolfe then prepared an affidavit and search warrant for the house from which Yanez had left. After the warrant was signed by a magistrate, the deputies entered the house to conduct a search. Deputy Mark Molina guided the K-9 dog throughout the house. Video taken from his body camera of the K-9 search was admitted in evidence. The video shows that the house was in disarray with belongings strewn about the house. The house appeared to

be undergoing some sort of remodeling, with concrete floors, open walls and sheetrock removed. Ladders and construction tools can be seen throughout the house. Also seen on the video in a common area was a television with video from security cameras. When asked what footage was found on the security cameras, Salazar replied that he had “no idea” and that he did not look at any footage. When the search warrant was served, Appellee was present in the house. No contraband was found on Appellee’s person. Appellee and three other occupants were placed in a room, and Salazar read them their Miranda rights. The deputy asked if there were any weapons in the house, and Appellee replied, “There is one small caliber pistol in my room.” A small-caliber pistol was recovered in the master bedroom of the house. No other firearms were recovered during the search. Appellee’s driver’s license and mail, addressed to Appellee at 224 Majestic Grove, were found in the master bedroom. The State and Appellee stipulated at trial that Appellee had provided 224 Majestic Grove to Bexar County Pretrial Services as his address after his arrest. The methamphetamine with which Appellee was charged was found in a pill bottle on the counter of the ensuite master bedroom. Also found in the master bathroom was a pill bottle of morphine with a prescription label showing the name Katherine London. Appellee was charged with one count of possession of a controlled substance, namely methamphetamine, in an amount of four grams or more but less than two hundred grams. He was also charged with one count of possession of a controlled substance, namely morphine, in an amount of one gram or more but less than four grams. The jury found Appellee not guilty of possessing morphine, but found Appellee guilty of possessing methamphetamine.

[§§ 533.02 Sufficiency of the Evidence / Controlled Substances / Possession]: At trial, the evidence showed that multiple people were inside the house right before it was searched. Twenty-five minutes after Yanez left the house in the Jeep, a male and female were seen leaving the house in a yellow Penske box truck. John Sparks, the male, was later charged with possession of methamphetamine, which was found in a room that was believed to belong to him. Deputy Salazar testified there were seven people in the house. Additionally, with respect to the master bathroom and master bedroom, Deputy Molina and Deputy Ma testified there were women’s clothes scattered throughout the master bedroom and master bathroom and that there were brassieres, dresses, blouses, and purses hanging in the master bedroom closet. Thus, looking at the evidence in the light most favorable to the jury’s verdict, the evidence shows that the house was occupied by many people immediately before the search and that Meyer shared the master bedroom and ensuite master bathroom with a female. Because the place where the methamphetamine was found was a shared space, Meyer argues that the evidence merely shows that he was present in a place where the methamphetamine was found.

Holding: “A defendant’s mere presence is insufficient to establish possession.” *Tate v. State*, 500 S.W.3d 410 (Tex.Cr.App. 2016)[see §§, [Vol. 24, No. 39](#); 09/26/2016]. Whether evidence “is direct or circumstantial, ‘it must establish, to the requisite level of confidence, that the accused’s connection with the drug was more than just fortuitous.’” “the accused is not in exclusive possession of the place where the substance is found, it cannot be concluded that the accused had knowledge of and control over the contraband unless there are additional independent facts and

circumstances [that] affirmatively link the accused to the contraband.” *Poindexter v. State*, 153 S.W.3d 402 (Tex.Cr.App. 2005)[see ¶8, [Vol. 13, No. 2](#); 01/17/2005], citing *Brown v. State*, 911 S.W.2d 744 (Tex.Cr.App. 2013)[see ¶8, [Vol. 3, No. 37](#); 12/21/1995]. *** The Court of Criminal Appeals has explained that a non-exclusive list of factors may help guide a court’s analysis. Those factors include: (1) the defendant’s presence when a search is conducted; (2) whether the contraband was in plain view; (3) the defendant’s proximity to and the accessibility of the narcotic; (4) whether the defendant was under the influence of narcotics when arrested; (5) whether the defendant possessed other contraband or narcotics when arrested; (6) whether the defendant made incriminating statements when arrested; (7) whether the defendant attempted to flee; (8) whether the defendant made furtive gestures; (9) whether there was an odor of contraband; (10) whether other contraband or drug paraphernalia were present; (11) whether the defendant owned or had the right to possess the place where the drugs were found; (12) whether the place where the drugs were found was enclosed; (13) whether the defendant was found with a large amount of cash; and (14) whether the conduct of the defendant indicated a consciousness of guilt. *Tate*, 500 S.W.3d at 414. “Although these factors can help guide a court’s analysis, ultimately the inquiry remains that set forth in *Jackson v. Virginia*, 443 U.S. 307 (1979): Based on the combined and cumulative force of the evidence and any reasonable inferences therefrom, was a jury rationally justified in finding guilt beyond a reasonable doubt?” *** In considering these non-exclusive factors, we note that (Appellee) was present when the search was conducted and had access to the master bedroom and ensuite bathroom. (Appellee) did live at the house. There was no testimony that (Appellee) was under the influence of narcotics when arrested. In the video where (Appellee) was given his Miranda rights, he does not appear to be under the influence of narcotics. (Appellee) did not possess other contraband or narcotics when arrested. (Appellee) was not in possession of a large amount of cash. He did not make any incriminating statements about narcotics when arrested. He did not attempt to flee. He did not make furtive gestures. There was no testimony about whether there was an odor of contraband. Other contraband, methamphetamine, was found in a different bedroom, and another person was charged with possessing it. *** [4+ pages on detailing what was seen in “plain view” are omitted] *** Thus, even in the light most favorable to the verdict, the evidence shows that no witness who testified at trial had knowledge about the condition of the pill bottle when it was first discovered. Further, the video from Deputy Molina’s body camera and the still pictures from that video footage admitted in evidence do not show the condition of the pill bottle in question during the K-9 search. Additionally, even if there was evidence that the pill bottle was opened at the time of the K-9 search and the plastic baggie with the blue substance was strewn out on the counter, Deputy Salazar testified that in his experience, the blue substance was not recognizable as methamphetamine and that he did not recognize the substance as illegal when he first saw it. Accordingly, even in the light most favorable to the verdict, there is no evidence from which a rational fact finder could determine that the blue substance in question was in plain view and that (Appellee) should have recognized that blue substance as a controlled substance upon seeing it on the counter. *** We conclude that the combined and cumulative force of all the evidence,

even when viewed in the light most favorable to the jury's verdict, does not support an inference that by his ownership of the home, (Appellee) knew about the methamphetamine in the master bathroom and exercised care, custody, control, or management over it. *** In considering all the evidence in the light most favorable to the jury, we conclude the evidence shows that (Appellee) was merely present in a place where the methamphetamine was found. Therefore, we reverse the judgment of the trial court and render a judgment of acquittal.

Sidebars

[\[Shana Stein Faulhaber\]](#) It's nice to see a court recognize that "affirmative links" require more than affirmative vibes. Far too often, the State pushes forward on little more than guilt by proximity. Sure, we're all familiar with the presumption that a driver possesses the contents of a car. By that logic, you could stretch it to say someone possesses the contents of their home or their room. But here's the thing about presumptions: they're rebuttable. And they're not a substitute for evidence. At the trial level, this case is a reminder to stay relentless. Hold the State to its burden. Shine a bright, uncomfortable light on every gap, every shrug, every "we don't know." At the appellate level, this is what it looks like when a court actually enforces the line. Proximity isn't possession. Ownership isn't knowledge. And the elements matter. But the best policy? Don't let people bring drugs into your house.

[\[Joseph Varela\]](#) This is a good analysis under the affirmative links doctrine. I think this case turned on the fact that the police could not establish the condition the pill bottle of blue methamphetamine was in at the time it was discovered, and also the fact that there was no evidence that it was immediately recognizable as a controlled substance. Possibly a different result if those factors had been otherwise. Whenever you have a case when your client is not in exclusive possession of the place where contraband (drugs, gun, etc) is found, you must read the affirmative links cases and carefully prepare a tailored cross-examination of the officer(s) to address the factors the cases identify.

[\[Michael F. Stauffacher\]](#) While I agree with the opinion (and kudos to Judge Baird and Mark Stevens for the work they have done representing Mr. Meyer), I foresee possible dark clouds ahead should the State file PDR on the meth count. Meth found in the defendant's master bedroom/bathroom along with circumstantial evidence showing the house may have been rife with "meth related activity," is going to perk up some ears in Austin. I do believe, however, that the not guilty verdict on the morphine count is safe. Women's clothes everywhere and a female name on the pill bottle more than supports a finding of insufficient evidence on that count, IMO.

[\[John G. Jasuta\]](#) I would imagine that a PDR will be filed and that there is a reasonable likelihood that it will be granted if properly prepared and presented. That gun could be a problem.

[\[David A. Schulman\]](#) This case represents some stellar by two stalwarts of the defense bar in Texas and a totally unexpected result.

[Ed. Note] Having concluded the evidence is legally insufficient, the Court of Appeals determined that it need not consider the State's remaining issues.