

Johnson v. State, No. 06-22-00027-CR (Tex. App.-Texarkana, Dec. 22, 2022)
Attorneys. Joshua Potter (appellate), Bart Craytor (trial).

Issue & Answer. When the value of damage caused is an element of the offense, can a jury convict without testimony regarding the value of damage caused? **Yes, sometimes.**

Facts. The defendant struck a pole and a vehicle in front of someone's house. He drove away but his car broke down at the end of the street. He decided to hang out until police came. The State charged him with failure to perform duty upon striking a fixed object and failure to perform his duty upon an accident involving damage to a vehicle. The jury convicted the defendant of the lesser criminal attempt of both offenses. No witness testified to the value of damage caused by the defendant.

Analysis. A jury can infer the value exceeded the requisite statutory amount of \$200 if it is common sense to do so. Pictures of the damage caused were admitted into evidence and the pole and the car were logically jacked up to the degree of \$200-plus damage.