MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WD88230

STATE OF MISSOURI,
Respondent,

v.

JEREMIAH LESAN JOHNSON,
Appellant.

Opinion Filed: NOVEMBER 3, 2026

Appeal from the Circuit Court of Boone County, Missouri
The Honorable Joshua Calvin Devine, Judge

Before Division Four Judges: Edward R. Ardini, Jr., Chief Judge, Presiding,
Lisa White Hardwick, Judge and Gary D. Witt, Judge

Jeremiah Johnson was convicted, following jury trial, in the Circuit Court of Boone County, Missouri ("the trial court"), of first degree assault, section 565.050,[1] armed criminal action, section 571.015, and unlawful use of a weapon, section 571.030. In his sole point on appeal, Johnson claims the trial court plainly erred in allowing hearsay testimony that a 911 call alleged Johnson was the perpetrator of the charged shooting. The judgment is affirmed.

[1] All statutory citations are to RSMo 2016 as supplemented through July 9 and 10, 2024, the date the crimes were committed, unless otherwise stated.

Facts[2]

In August 2024, Johnson was indicted on three charges. Count I alleged the class A felony of assault in the first degree, in that on July 10, 2024, Johnson attempted to cause serious injury to W.R. ("Victim")[3] by shooting Victim and, in the course thereof, inflicted serious physical injury on Victim. Count II alleged the felony of armed criminal action, in that on July 10, 2024, Johnson committed Count I with the knowing use, assistance and aid of a deadly weapon. Count III alleged the class E felony of unlawful use of a weapon, in that on July 9, 2024, Johnson knowingly exhibited, in the presence of one or more persons, a black handgun, a weapon readily capable of lethal use, in an angry or threatening manner. The matter proceeded to jury trial in July 2025, where the following evidence was presented:

As to Count III, the evidence established that on July 9, 2024, a woman banged on the door to T.Z.'s apartment, demanding to see T.Z.'s stepdaughter. T.Z. observed Johnson sitting in a vehicle in front of the building and recognized him as a man who had previously dated her stepdaughter ("Ex-Girlfriend"). Johnson was yelling that Ex-Girlfriend was going to get jumped, that Johnson was going to shoot Ex-Girlfriend, and

[2] "We state the facts and all reasonable inferences derived therefrom in a light most favorable to the verdict, and we reject all contrary evidence and inferences." *State v. Williamson*, 729 S.W.3d 762, 764 n.1 (Mo. App. W.D. 2026) (internal quotation marks omitted).

[3] In order to protect the identity of the victim and some lay witnesses we do not use their names.

that he was going to shoot up T.Z.'s apartment; T.Z. told Johnson there were children inside her apartment, and he stated he did not care. Johnson lifted and showed T.Z. a handgun when he spoke about shooting into T.Z.'s apartment.

As to Counts I and II, the evidence established that Victim was best friends with Ex-Girlfriend's brother and considered Ex-Girlfriend to be his "sister from another mother." On July 10, 2024, around 1:00 a.m., Victim walked outside his apartment, heard gunshots, and was shot under his left armpit in his ribs. He went back inside his apartment, and his sister called 911 to summon an ambulance and police.

Video surveillance from the Housing Authority, located on the same block of the street where the shooting occurred, shows two individuals: one dressed in a black sweatshirt and dark pants and one dressed in all red, in a yard nearby at the time of the shooting. Emergency vehicles, including police, arrived on the scene approximately three minutes later. A 911 call came in reporting that Johnson was involved in the shooting.

Johnson called 911 at approximately 1:20 a.m. to report his Jeep Compass as stolen. He told the 911 dispatcher that, upon discovering his Jeep was missing, he tracked its location using an app to an area near where the shooting occurred. Johnson, who claimed he was with his girlfriend and friend, told the 911 dispatcher that he heard gunshots in the distance. The extremely alert dispatcher connected this call with the

earlier call reporting that Johnson had been involved in the shooting, so she dispatched officers to Johnson's location.[4]

Officer Robertson responded to the scene of the shooting on the morning of July 10, 2024, and was informed that a possible suspect in the shooting had called into 911. Officer Robertson was provided Johnson's location, which was a few blocks from the shooting. Officer Robertson responded to that location and made contact with Johnson and another male. Johnson was still on the phone with 911 reporting his Jeep as stolen when the officer arrived. Johnson was wearing dark pants and a short sleeved white and black shirt, and the male he was with was dressed in all red. Officer Robertson detained both of the men.

Detective Teegarden responded to the location where Johnson was detained. Detective Teegarden testified that a 911 call had come in identifying Johnson as the shooter. He questioned Johnson at approximately 2:00 a.m. on July 10, 2024, in the back of a patrol car. Detective Teegarden's body camera recorded the detective's interaction with Johnson. Johnson told the detective that his mom called him at work around 11:15 or 11:30 p.m. on July 9, 2024, and informed him that someone was knocking on their door with a gun.[5] Johnson went home and went inside for a few minutes, came outside to

[4] Johnson does not complain on appeal about the 911 dispatcher's testimony that law enforcement was already looking for Johnson as a suspect at the time he called 911 to report his Jeep as stolen.

[5] Johnson and his mother were residing together at the time of these events.

discover his Jeep was missing, tracked the location of the Jeep to the area of the shooting, and called 911. Johnson did not know who was knocking on his door but thought it might have been Ex-Girlfriend who had been threatening him.

Detective Teegarden questioned Johnson at the police station starting around 5:20 a.m. on July 10, 2024. Johnson repeated that his mother called him because someone was knocking on the door with a gun in their hand, Johnson went home, and the person knocking was not there anymore. From there, however, his story changed; he left his apartment in his Jeep, dropped his brother off at work, and went to downtown Columbia, Missouri, with his girlfriend and a male friend. Admitting he lied earlier, Johnson said his Jeep was in fact stolen but not from his home; he discovered it was stolen after he, his girlfriend, and his friend walked around for a while, and when they tried to leave downtown Columbia the Jeep was missing.

Johnson then admitted that his Jeep was never stolen at all, and he had lied again; Johnson told a third version of events. Johnson's current girlfriend and Ex-Girlfriend had an ongoing conflict, and Johnson and his current girlfriend had gone earlier to find Ex-Girlfriend at T.Z.'s house. Johnson went to the area of the shooting to confront Victim because Victim had then knocked on Johnson's door with a gun.

As the questioning continued, Johnson again changed his story, telling a fourth version of events. He went to Victim's house with his friend and his girlfriend to confront Victim, but no one was home. When he got to Victim's house, "a shot came out of nowhere." Johnson stated he "returned fire," discharging approximately four rounds

from his Glock handgun. He acknowledged he had a ski mask with him but stated he was not wearing it. Johnson threw down the gun he was using because he did not want to get in trouble for defending himself. When the three of them got back to the Jeep, Johnson discovered his keys were missing, so they could not get into the vehicle. Johnson called 911 and reported his Jeep stolen because he did not think people would believe he shot in self-defense; police would think he retaliated because Victim showed up at Johnson's house earlier.

A neighbor who lived on the block where the shooting took place heard gunshots around 1:00 a.m. on July 10, 2024. Going outside later that morning, the neighbor discovered a key fob in her yard and reported the discovery to the police. Detective Teegarden recovered the key fob, which had a tag attached to it stating it belonged to a Jeep Compass. Police obtained a search warrant for a Jeep Compass that was located one to two blocks away from the area of the shooting, and C.S.I. Hull was able to unlock the vehicle using the found key fob and search the vehicle. The Jeep contained multiple pieces of mail addressed to Johnson, a black ski mask, a debit card with Johnson's name on it, a wallet containing Johnson's driver's license, a 9mm gun magazine, and the title to the Jeep signed over to Johnson. A Glock 26 model handgun with an extended tan magazine was located across the street from Johnson's Jeep near the scene of the shooting. Forensic testing of this handgun confirmed the expended shell casings found at the scene of the shooting were fired from this weapon.

Detective O'Dell performed a forensic search of Johnson's phone and discovered multiple pictures of Johnson wearing a black hoodie and holding a gun as well as pictures of Johnson holding three different handguns, varying in size, one of which was a Glock with a tan extended magazine.

The jury found Johnson guilty of all three counts, and the court sentenced him to consecutive terms of imprisonment of ten years for Count I and three years for Count II. Johnson was sentenced to 1 year in the county jail for Count III, to be served concurrently with the sentences for Counts I and II. This appeal follows.

Standard of Review

Johnson raises a single point on appeal and acknowledges in his brief that his point was not preserved with proper timely objections and was not included in his motion for new trial. "Generally, this Court does not review unpreserved claims of error." *State v. Otis*, 738 S.W.3d 87, 90 (Mo. banc 2026) (internal quotation marks omitted). "Appellate courts may exercise discretion, however, to review alleged errors under the plain error framework." *Id*. "'[P]lain errors affecting substantial rights may be considered in the discretion of the court ... when the court finds that manifest injustice or miscarriage of justice has resulted therefrom.'" *Id*. (quoting Rule 30.20[6]). "Courts will decline to review for plain error unless the appellant's request for plain error review establishes

[6] All citations to Rules are to Missouri Supreme Court Rules (2026) unless otherwise stated.

facially substantial grounds for believing that the [circuit] court's error was evident, obvious, and clear and that manifest injustice or miscarriage of justice has resulted." *Id*. (internal quotation marks omitted). "Generally, the existence of manifest injustice or miscarriage of justice depends on the strength of the evidence leading to conviction and whether the error was outcome determinative." *Id*. (internal quotation marks omitted).

> Missouri courts historically reject invitations to criticize trial courts for declining to *sua sponte* take action on behalf of a party during witness examinations. The reason such action is discouraged is because it risks injecting the judge into the role of participant and invites trial error. We do not expect trial judges to assist counsel in the trial of a lawsuit[.] They preside to judge a lawsuit. *Sua sponte* action should be exercised only in exceptional circumstances.

State v. Kidd, 575 S.W.3d 785, 788 (Mo. App. W.D. 2019) (internal citations quotation marks omitted).

Analysis

Johnson's sole point on appeal claims the trial court plainly erred in failing to *sua sponte* intervene when the State elicited testimony from Detective Teegarden regarding hearsay evidence that there was a 911 call indicating that Johnson was responsible for the shooting. Johnson points to brief excerpts of testimony on pages 605, 610, and 611-612 of the transcript where Detective Teegarden testified about his involvement in the case and the manner in which the investigation into the shooting progressed:

> Q. What did you learn when you first arrived?
>
> A. I learned that there was a shooting on Lincoln. A caller had said that it was Jeremiah Johnson, and there was a vehicle registered to him parked on

> Oak, which is a block away from where the shooting was, and then that he was in the back of the patrol car.
> …
> Q. What information had you learned?
>
> A. I learned that there was a caller that had stated it was Jeremiah Johnson.
> …
> Q. Had you learned anything about the presence of a vehicle near the scene of the shooting?
>
> A. Yes. I was told that Jeremiah Johnson's vehicle was --
> …
> A. I learned that vehicle was on Oak and -- at Oak near Lincoln, which is a block away from where the shooting occurred. Minutes after the caller that had stated the shooter was Jeremiah Johnson, so minutes after the call notes, it was Jeremiah Johnson calling to report his vehicle stolen.

Johnson maintains this testimony was plain error because there was substantial evidence that he had acted in self-defense, shooting only after he had been shot at, or was guilty of the lesser included offense of second-degree assault.

"Hearsay statements, or out-of-court statements used to prove the truth of the matter asserted, generally are inadmissible." *State v. Loper*, 609 S.W.3d 725, 738 (Mo. banc 2020) (internal quotation marks omitted). "However, otherwise inadmissible evidence can become admissible if its purpose is to explain subsequent police conduct." *Id*. (internal quotation marks omitted). "Statements explaining relevant background information and continuity constitute subsequent police conduct." *Id*.

Johnson "must show facially substantial grounds the error constituted a 'plain error.'" *State v. Jones*, 725 S.W.3d 577, 586 (Mo. banc 2025). "A plain error is one that is facially evident, obvious, and clear, such that the circuit court should have definitively

recognized it and taken corrective action. *Id*. (internal quotation marks omitted). Johnson has not shown plain error in this case; Detective Teegarden's references to the 911 call were brief, vague, and given in the context of explaining how the police investigation proceeded following the shooting.

Further, Johnson's theory of defense throughout the trial was that early in the investigation the police received information that Johnson may have been involved in the shooting and, thereafter, they focused the entire investigation on him to the exclusion of other possible leads regarding other possible perpetrators of the shooting. In the opening statement the defense argued, "And so really what happened in this case is that from the moment Mr. Johnson was apprehended, the police really developed 'tunnel vision'", noting that Johnson was arrested only 15 minutes after the shooting. In the first paragraph of the closing statement, the defense argued, "This case is about contempt prior to investigation. This case is about law enforcement developing tunnel vision because dozens and dozens upon [sic] leads were not adequately followed up on."

The 911 call Johnson complains about in this current appeal was the first indication to law enforcement that Johnson was involved in the shooting and is arguably the catalyst resulting in the tunnel vision around which he based his defense. Johnson began asserting this defense in his opening statement; this is exactly the reason we caution trial courts not to *sua sponte* intervene, as there appeared to be a valid reason for Johnson's counsel not to object when evidence of the 911 call implicating Johnson was offered. *See, e.g., State v. Homer*, 738 S.W.3d 167, 172 (Mo. App. W.D. 2026) ("In

certain circumstances, a trial judge's intervention in the proceedings may be unwelcome, as the failure to raise an objection may be a matter of trial strategy." (internal quotation marks omitted)); *State v. Cochran*, 365 S.W.3d 628, 635 n.5 (Mo. App. W.D. 2012) ("Trial courts must use caution when sua sponte injecting themselves into the trial by striking the admission of evidence when there has been no objection, in that the trial court may be unaware of a specific trial strategy by counsel which could be a factor in counsel's decision not to object.").

The evidence in this case was overwhelming. The single reference to a 911 caller identifying Johnson as the shooter, even if objectionable, did not affect the outcome of this trial. We decline Johnson's request for plain error review; no further analysis under the Rule 30.20 plain error framework is necessary. *See id.*

The point is denied.

Conclusion

The judgment is affirmed.



Gary D. Witt, Judge

All concur.