



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0561-17

THOMAS OLIVAS, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE SECOND COURT OF APPEALS
TARRANT COUNTY**

Per curiam.

OPINION

Appellant was convicted of capital murder. The Court of Appeals affirmed the conviction. *Olivas v. State*, 507 S.W.3d 446 (Tex. App. -- Fort Worth 2016). Appellant has filed a petition for discretionary review contending, among other claims, that the Court of Appeals erred in upholding the admission of cell-site location information ("CSLI") obtained without a search warrant.

On June 22, 2018, the United States Supreme Court addressed whether a court order

obtained in accordance with the federal Stored Communications Act was a permissible vehicle by which to access CSLI. The Court held that a search warrant was necessary to obtain CSLI in the absence of exceptions supporting a warrantless search because a suspect has a reasonable expectation of privacy in the record of his physical movements, requiring a showing of probable cause. *Carpenter v. United States*, No. 16-402 (2018).

The Court of Appeals in the instant case did not have the benefit of the Supreme Court's decision in *Carpenter*. Accordingly, we grant Appellant's petition for discretionary review on his third ground, refuse review of his first two grounds, vacate the judgment of the Court of Appeals, and remand this case to the Court of Appeals for further action in light of the opinion in *Carpenter*.

Delivered September 12, 2018
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