



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. PD-0579-12

SARA KATHERINE CLAY, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE TENTH COURT OF APPEALS
HILL COUNTY**

MEYERS, J., filed a dissenting opinion.

DISSENTING OPINION

If the legislature had meant to allow warrants to be sworn to by telephone, it would have said so. The majority here is doing exactly what the majority did in *Spence v. State*, 325 S.W.3d 646 (Tex. Crim. App. 2010), by broadening a statute beyond what the legislature intended. The majority here correctly points out that our Court should construe the statutory language and not enlarge upon it, and that only the legislature can amend or supplement the statute to specifically regulate the process of obtaining a search

warrant by electronic means. Nevertheless, the majority still concludes that the telephonic warrant application was permissible in this case.

I would hold that only the legislature can expand the statute to allow search warrants to be obtained telephonically, and it has yet to do so. Therefore, I respectfully dissent.

Meyers, J.

Filed: January 9, 2013

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