REVERSE and REMAND and Opinion Filed October 27, 2021

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-20-00458-CR

DETRICK LEE CHARLES, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 422nd Judicial District Court
Kaufman County, Texas
Trial Court Cause No. 17-40188-422-F

MEMORANDUM OPINION

Before Justices Schenck, Smith, and Garcia
Opinion by Justice Garcia

This appeal involves the denial of a motion to suppress statements made to the police after appellant was stopped for traffic violations. In a single issue, appellant argues that his unwarned statements concerning possession of a firearm resulted from custodial interrogation. As discussed below, we conclude that the unwarned statements were inadmissible under *Miranda v. Arizona*, 384 U.S. 436 (1966) and article 38.22 of the Texas Code of Criminal Procedure because the initial traffic stop had shifted into a custodial detention when the incriminating statements were made. We reverse the trial court's order denying appellant's motion to

suppress, reverse the trial court's judgment, and remand the case for further proceedings consistent with this opinion.

I. BACKGROUND

A jury convicted appellant of possession of a firearm by a felon, found two enhancement paragraphs true, and assessed punishment at twenty-five years in prison.

Prior to trial, appellant moved to suppress unwarned statements he made to the police about possession of the firearm. The trial court denied the motion, and appellants statements to the police were played for the jury at trial. Appellant now challenges his conviction based on the erroneous admission of those unwarned statements.

II. ANALYSIS

A. Standard of Review

We review a trial court's ruling on a motion to suppress evidence for an abuse of discretion and overturn the ruling only if it is arbitrary, unreasonable, or "outside the zone of reasonable disagreement." *State v. Story*, 445 S.W.3d 729, 732 (Tex. Crim. App. 2014). We give almost complete deference to the trial court's determination of historical facts, but we review the court's application of the law to those facts de novo. *Id.* Here, the trial court did not make explicit findings of historical facts, so we review the evidence in a light most favorable to the trial court's ruling and assume that the trial court made implicit findings of fact that support its

ruling as long as these findings are supported by the record. *Wexler v. State*, 625 S.W.3d 162, 167 (Tex. Crim. App. 2021). In deciding whether an individual was in custody, we defer to the trial court's factual assessment of circumstances surrounding the questioning and review de novo the ultimate legal determination of whether appellant was in custody under those circumstances. *Id*., *see also State v. Saenz*, 411 S.W.3d 488, 494 (Tex. Crim. App. 2013).

B. Self-Incrimination

The warnings required by *Miranda* and article 38.22 are intended to safeguard a person's privilege against self-incrimination during custodial interrogation. *Gardner v. State*, 306 S.W.3d 274, 294 (Tex. Crim. App. 2009); *see also Wilkerson v. State*, 173 S.W.3d 521, 527 (Tex. Crim. App. 2005) (Miranda safeguards against coercive custodial questioning). The defendant bears the burden of proving that a statement was the product of a custodial interrogation. *Herrera v. State,* 241 S.W.3d 520, 526 (Tex. Crim. App. 2007). Custodial interrogation refers to "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." *Miranda*, 384 U.S. at 444. *Miranda* provides that a defendant's statements "stemming from custodial interrogation" are inadmissible as evidence against him unless he is advised of certain constitutional rights under the Fifth Amendment. *Id.* ("Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a

right to the presence of an attorney, either retained or appointed."); *see also* U.S. CONST. amend. V.

The state counterpart, article 38.22 of the Texas Code of Criminal Procedure, similarly provides that a defendant's oral statement "made as a result of custodial interrogation" is inadmissible in a criminal proceeding unless a recording is made of the statement, the defendant is warned during the recording but before making the statement that "any statement he makes may be used as evidence against him in court," and he knowingly, intelligently, and voluntarily waives those rights. TEX. CODE CRIM. PROC. ANN. art. 38.22, § 3(a)(1)–(2); *State v. Lujan*,— S.W.3d—, 2021 WL 4185974, at *1 (Tex. Crim. App. 2021) *see also Herrera*, 241 S.W.3d at 526 (stating that construction of "custody" for purposes of article 38.22 of Texas Code of Criminal Procedure is consistent with meaning of "custody" for purposes of *Miranda* and Fifth Amendment). Statements that do not "stem from custodial interrogation" are not precluded by article 38.22. TEX. CODE CRIM. PROC. ANN art. 38.22, § 5.

There is no dispute that warnings were not given here. Thus, our inquiry turns on whether appellant was in custody when the incriminating statements were made.

C. The Detention

Officer Jeremiah Banks stopped appellant because his temporary license tag was not completely secure, and he had a brake light out. Appellant was detained for

seventeen minutes before Officer Banks's body camera begins recording, but the dashcam from the patrol car shows when the encounter begins.

Officer Banks approached the vehicle and asked appellant and his passenger (appellant's girlfriend) for identification. According to the officer, he smelled a "very strong odor of marijuana" as he spoke with appellant. Officer Banks told appellant the reason for the stop and asked if there was anything illegal in the car. Appellant said there was nothing illegal in the car but informed the officer that he had an outstanding warrant. At the suppression hearing, Officer Banks speculated that it was likely for a traffic violation.

Officer Banks returned to his vehicle to run a license, registration, and background check. At some point, another officer arrived on the scene. While Officer Banks waited for the information return, he approached appellant's vehicle to search for marijuana. Appellant was asked to step out of the vehicle, handcuffed, and frisked. Officer Banks told appellant he was not under arrest and "was just being detained."

Appellant and his girlfriend were asked to step away from the vehicle and stand in front of the patrol car, where the other officer stood guard over appellant from about a foot away. When Officer Banks asked appellant if he would find anything illegal during the search, appellant replied that he had a handgun in the locked glove compartment. Officer Banks testified that at this point, he was not

aware of appellant's criminal history, so possession of a firearm was not an arrestable offense.

Appellant made several statements about the gun after Officer Banks retrieved it, offering information about why he had it and where he obtained it. When appellant's criminal history was returned, it showed that he had a prior felony conviction. The video shows Officer Banks and the other officer researching the law concerning possession of a firearm by a felon and trying to determine whether it applied to appellant. When appellant challenged the date of his felony conviction, Officer Banks told him they would verify the date.

Approximately thirteen minutes later, Officer Banks searched appellant's pockets and walked him to the patrol car. When appellant asked if the officer was taking him to jail, the officer replied that he was. The entire encounter lasted approximately thirty-two minutes.

D. Did the Detention Escalate from Noncustodial to Custodial?

We are tasked with determining whether appellant's traffic stop detention evolved to a custodial detention. Generally, individuals who are temporarily detained during an ordinary traffic stop are not "in custody" for purposes of *Miranda*. *Berkemer v. McCarty*, 468 U.S. 420, 440 (1984); *Balentine v. State*, 71 S.W.3d 763, 771 (Tex. Crim. App. 2002). Nevertheless, an ordinary traffic stop may escalate from a noncustodial detention to a custodial detention if the individual's freedom of movement is restrained to the degree associated with a formal arrest.

Ortiz, 382 S.W.3d at 372. Noncustodial investigative detentions and arrests both involve restraint on an individual's freedom of movement, but an arrest involves a comparatively greater restraint. *State v. Sheppard*, 271 S.W.3d 281, 290 (Tex. Crim. App. 2008).

No bright-line test distinguishes investigative detentions from arrests; rather, the custody assessment is made on a case-by-case basis. *Dowthitt*, 931 S.W.2d at 255. When assessing the distinction, courts consider several factors to determine whether an individual is in custody, including the amount of force displayed; the duration of the detention; the efficiency of the investigative process and whether it is conducted at the original location or the individual is transported to another location; the officer's expressed intent, i.e., whether he told the individual that he was under arrest or was being detained only for a temporary investigation; and any other relevant factors. *Sheppard*, 271 S.W.3d at 291; *see also Howes v. Fields*, 565 U.S. 499, 509 (2012) (discussing additional factors to consider). An officer's views concerning the nature of an interrogation, or beliefs concerning the potential culpability of the individual may also be a factor that bears on the custody assessment. *See Estrada v. State*, 313 S.W.3d 274, 294 (Tex. Crim. App. 2010) (quoting *Stansbury v. California*, 511 U.S. 318, 325 (1994)). This factor, however, is only a consideration "if the officer's beliefs were somehow manifested to the individual under interrogation and would have affected how a reasonable person in that position would perceive his freedom to leave." *Id*.

The Court of Criminal Appeals has identified four situations that may constitute custody: (1) when the suspect is physically deprived of his freedom of action in any significant way; (2) when a law-enforcement officer tells the suspect that he cannot leave; (3) when law-enforcement officers create a situation that would lead a reasonable person to believe that his freedom of movement has been significantly restricted; and (4) when there is probable cause to arrest and law-enforcement officers do not tell the suspect that he is free to leave. *Dowthitt v. State,* 931 S.W.2d 244, 255 (Tex. Crim. App. 1996). These categories, however, are merely descriptive; they are not exhaustive. *State v. Ortiz*, 382 S.W.3d 367, 376 (Tex. Crim. App. 2012). As to the first through third situations, the restriction on the suspect's freedom of movement must be to the degree associated with an arrest as opposed to an investigative detention. *Id. See also, California v. Beheler*, 463 U.S. 1121, 1125 (1983) (custody inquiry involves whether there is a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest). Ultimately, courts must determine whether, given circumstances surrounding the interrogation, a reasonable person would have perceived detention by law-enforcement officers to be a restraint on his movement comparable to the restraint of formal arrest. *Berkemer*, 468 U.S. at 441; *see also Thompson v. Keohane*, 516 U.S. 99, 112 (1995) (custody determination involves inquiry into circumstances surrounding investigation and whether a reasonable person would feel free to leave).

We begin by examining whether Officer Banks had probable cause to arrest appellant. When appellant was first stopped, he told the officer that he had an outstanding warrant for his arrest. Ordinarily, an officer has probable cause to arrest a defendant with outstanding warrants. *See Brooks v. State*, 76 S.W.3d 426,434 (Tex. App.—Houston [14th Dist.] 2002, no pet.). But as Officer Banks explained, the warrant had yet to be confirmed. Therefore, at that juncture, there was no probable cause to arrest appellant. *See Haley v. State*, 480 S.W.2d 644, 645 (Tex. Crim. App. 1972) (probable cause when outstanding warrant check revealed outstanding warrants).[1]

Although Officer Banks had probable cause to arrest appellant after confirming the illegality of the firearm possession, this does not inform our custody analysis. That information was not discovered until the encounter concluded, long after the incriminating statements were made. Accordingly, this is not a situation where appellant was in custody because the existence of probable cause was communicated to him. *See Dowthitt*, 931 S.W.2d at 255.

Nonetheless, we cannot ignore that appellant believed he had an outstanding warrant. The "suspect's knowledge of the circumstances surrounding the investigation is crucial to the custody analysis." *Wexler*, 625 S.W.3d at 170.

[1] Officer Banks speculated that the warrant was for a traffic offense and testified that Crandall police department policy was to not arrest for every outstanding warrant on such offenses. The record does not reflect whether the warrant was ever confirmed, or if there was a warrant, whether it was for a traffic violation.

Although Officer Banks testified that it was department policy not to arrest for *every* outstanding traffic warrant, Officer Banks did not communicate that policy to appellant or otherwise indicate that appellant would not be one of the individuals selected for arrest.

We next consider that appellant was placed in handcuffs within minutes of being stopped for minor traffic violations. Curiously, the use of handcuffs does not necessarily constitute arrest or custody. *See e.g., Rhodes v. State*, 945 S.W.2d 115, 117 (Tex. Crim. App. 1997) (refusing to adopt bright-line test that handcuffing is always the equivalent of arrest). Instead, it is one of many factors we consider in our review of the totality of the circumstances. *See Ortiz*, 421 S.W.3d at 890.

Officer Banks testified that he handcuffed appellant for officer safety. But close scrutiny of cases considering the use of handcuffs in a custody analysis demonstrates that something more than reciting a need for officer safety is required. *See Sheppard*, 271 S.W.3d at 289 (handcuffing a person who has been temporarily detained is not ordinarily proper but "may be resorted to in special circumstances"). For example, *In Balentine v. State*, 71 S.W.3d 763, 771 (Tex. Crim. App. 2002), the court held that an investigative detention did not evolve into an arrest simply because appellant was handcuffed for officer safety and escorted to the patrol car. The court concluded that the officer's safety concerns were reasonable because gunshots had been reported in the area, the stop occurred in the early morning, and appellant had lied and was acting suspiciously. *Id*.; *see also Mays v. State,* 726 S.W.2d 937, 934

(Tex. Crim. App. 1986) (handcuffing suspects reasonable where lone officer encountered two large suspects acting nervously at the scene of a burglary). Likewise, in *Rhodes*, 945 S.W.2d at 116–118, handcuffing for officer safety was deemed reasonable when the encounter occurred in a high crime area where the lone officer had just conducted a car chase that involved a bag being dropped from the car. *Id.*; *see also Spight v. State*, 76 S.W.3d 761, 769–70 (Tex. App.—Houston [1st Dist.] 2002, no pet.) (handcuffed for officer safety in dark, high crime area where appellant was nervous, had previous gun charge arrest, and officer had just discovered a large bundle of money); *Josey v. State*, 981 S.W.2d 831, 839–40 (Tex. App.—Houston [14th Dist.] 1998, pet. ref'd) (handcuffs reasonable for officer safety because stop occurred in area with significant gang and narcotic activity, officer had been previously threatened by gang members in the area, and a crowd had gathered at the intersection near the stop); *Salazar v. State*, 805 S.W.2d 538, 539–540 (Tex. App.—Fort Worth 1991, pet. ref'd) (handcuffing reasonable because there were multiple armed suspects involved in burglary in progress, appellant was acting suspiciously, and one suspect had already shot at an officer); *Holder v. State*, No. 05-00-01708-CR, 2001 WL 1464318, at *3 (Tex. App.—Dallas Nov. 19, 2001, no pet.) (mem. op.) (handcuffing for refusal to comply with officer instructions); *Goldberg v. State*, 95 S.W.3d 345, 360 (Tex. App.—Houston [1st Dist.] 2002, pet. ref'd) (handcuffing for officer safety justified where investigating brutal murder); *Nargi v. State*, 895 S.W.2d 820, 823 (Tex. App.—Houston [14th Dist.] 1995), *pet.*

dism'd, *improvidently granted*, 922 S.W.2d 180 (Tex. Crim. App. 1996) (appellant's display of potentially dangerous behavior supported inference that officer needed to gain control to safely question him); *Morris v. State*, 50 S.W.3d 89, 97–98 (Tex. App.—Fort Worth 2001, no pet.) (handcuffs reasonable in context of multi-party narcotics transaction where handcuffing standard procedure due to significant safety concerns); *Turner v. State*, 252 S.W.3d 571, 578 (Tex. App.—Houston [14th Dist.] 2008, pet. ref'd) (handcuffed for officer safety because no partition between front and back of patrol car).

Other cases involve handcuffing for safety during a pat down, *see Greer v. State*, No. 14-18-101000-CR, 2020 WL 6439721, at *7 (Tex. App.—Houston [14th Dist.] Nov. 3, 2020, pet. ref'd) (appellant admitted he had a weapon so handcuffed for pat down)[2] or handcuffing after the discovery of contraband following a search. *See Brown v. State*, No. 05-16-00654-CR, 2017 WL 491261, at *3 (Tex. App.—Dallas Feb. 7, 2017, no pet.) (mem. op.).

In *Brown*, during a routine traffic stop, the officer asked appellant to step out of the car and told her it was because he smelled marijuana. Appellant said she had smoked marijuana and had some in the car. *Id*. at *1. But appellant was not handcuffed until a search was conducted and marijuana was discovered. *Id*. Under those circumstances, we concluded that the investigative detention had not evolved

[2] Although Officer Brown conducted a pat down he did not say that handcuffing was required to facilitate this procedure.

into custodial interrogation. *Id*. at *2. Similarly, in *Ramirez v. State*, No. 07-20-00097-CR, 2021 WL 2673064 at *5 (Tex. App.—Amarillo June 29, 2021, pet. ref'd), appellant was not handcuffed until the officer discovered a pipe during a pat down and appellant offered that it was used to smoke meth. *Id*. Significantly, the court held that appellant was not in custody **until** he was handcuffed. *Id*., *see also Campbell v. State,* 325 S.W.3d 223, 236 (Tex. App.—Fort Worth 2010, no pet.) (suspect was in custody after being handcuffed); *Carson v. State*, No. 02-19-00091-CR, 2020 WL 2202331, at *4 (Tex. App.—Fort Worth May 7, 2020, no pet.) (mem. op.) (not in custody because not patted down or handcuffed).

On the other hand, absent a reasonable safety concern or need to maintain the status quo, an officer's use of handcuffs to secure a suspect has been held to constitute custody or arrest. *See Akins v. State*, 202 S.W.3d 879, 888 (Tex. App.—Fort Worth 2006, pet. ref'd) (arrest where handcuffed with no officer safety issues or concerns about maintaining status quo); *Amores v. State*, 816 S.W.2d 407, 411–12 (Tex. Crim. App. 1991) (arrest where handcuffed and no investigation performed); *State v. Moore*, 25 S.W.3d 383, 386 (Tex. App.—Austin 2000, no pet.) (suspect handcuffed without need to maintain status quo or officer safety); *Gordon v. State*, 4 S.W.3d 32, 37 (Tex. App.—El Paso 1999, no pet.) (unnecessary handcuffing transformed investigative detention into arrest).

With these principles in mind, we examine whether the use of handcuffs under these circumstances escalated the encounter from non-custodial to custodial. In

conducting this analysis, allowances must be made for the fact that officers must often make quick decisions under tense, uncertain, and rapidly changing circumstances. *Rhodes* 945 S.W.2d at 118. We therefore judge the reasonableness of the officer's actions, from the perspective of a reasonable officer at the scene, rather than with the advantage of hindsight. *Id*. In this regard, officers may use such force as is reasonably necessary to facilitate the goal of the detention: investigation, maintenance of the status quo, or officer safety. *Id*. at 117. Conversely, "[i]f the degree of incapacitation appears more than necessary to simply safeguard the officers and assure the suspect's presence during a period of investigation, this suggests the detention is an arrest." *Sheppard*, 271 S.W.3d at 290.

No special circumstances justifying the use of handcuffs by a reasonable officer at the scene are evident here. There is no evidence that the stop occurred in a high crime area, and the stop did not involve a multi-party narcotics crime[3] or any other offense likely to involve violence. Indeed, appellant was stopped because his temporary tag was not completely secured, and a brake light was out. Subsequently, the officer was investigating the marijuana odor. Appellant was calm, polite, non-threatening and complied with Officer Banks's instructions. The stop occurred in the early evening while it was still light in what appears to be a nice suburban

[3] Although Officer Banks said he smelled marijuana, no marijuana or narcotics were located in the vehicle.

neighborhood. Although Officer Banks testified that appellant was nervous, this is not particularly probative because "most citizens with nothing to hide manifest an understandable nervousness in the presence of an officer." *Wade v. State*, 422 S.W.3d 661, 671 (Tex. Crim. App. 2013).

Officer Banks said he was concerned for officer safety because he had to split his focus between the search and watching appellant and his girlfriend. But there was another officer on the scene. In fact, after appellant was handcuffed, moved away from his vehicle, and asked to stand in front of the patrol car, the other officer watched appellant very closely from about a foot away.

Officer Banks also said he was concerned for safety because appellant was young, tall, and "pretty muscular." But we are aware of no authority holding that physical characteristics, standing alone, equate to a safety risk, nor does the video reflect that appellant has what a reasonable officer might consider an intimidating physique. Moreover, the camera footage of the encounter does not reveal any remarkable size or age disparity between Officer Banks and appellant, or between appellant and the other officer on the scene. In short, nothing in appellant's actions or demeanor suggested cause for concern.

We are sympathetic to the challenging task that police officers have in keeping our communities safe and understand that performing a routine traffic stop might put some officers on edge. But based on the record in this case, we conclude that handcuffing appellant was unreasonable in the context of this stop for minor traffic

infractions and elevated that interaction into a custody situation. In reaching this conclusion, we are guided by the notion that "[c]ommon sense and ordinary human experience govern over rigid criteria." *Balentine*, 71 S.W.3d at 771. To this end, we ask whether a reasonable person who believes he has an outstanding warrant and who is handcuffed on the side of the road in the presence of two armed police officers would feel free to leave. The answer is emphatically no.

The State maintains that the detention was not unreasonably long, Officer Banks investigated both the marijuana suspicion and the firearm, and appellant was not transported to a different location. We have considered these factors in our analysis.

In addition, Officer Banks told appellant he was not under arrest when he handcuffed him.[4] While this also factors into our analysis, it is not dispositive. *See Amores*, 816 S.W.2d at 412 (officer's opinion not controlling). It is "the compulsive aspect of custodial interrogation, and not the strength or content of the government's suspicions at the time the questioning [is] conducted" that determines custody for *Miranda* purposes. *Stansbury*, 511 U.S. at 323. And Officer Banks's statement that there was no formal arrest does not resolve whether there was a comparable restraint on appellant's movement. *Ortiz*, 382 S.W.3d at 376; *Berkemer,* 468 U.S. at 441.

[4] The record also reflects that Officer Banks never told appellant he was under arrest—even when he was.

The circumstances of appellant's interaction with law enforcement, considered in their totality and from an objective standpoint, lead us to conclude that a reasonable person in appellant's situation would "have perceived the detention by law enforcement officers to be a restraint on his movement comparable to the restraint of formal arrest." *See Berkemer*, 468 U.S. at 441; *Herrera*, 241 S.W.3d at 525. Thus, the record does not support the trial court's implied conclusion that appellant was not in custody when he made his statements to the police.

E. Did the Incriminating Statements Result from Interrogation?

Our conclusion that appellant was in custody does not end the inquiry. We must also consider whether appellant was interrogated. *See Illinois v. Perkins*, 496 U.S. 292, 297 (1990) (*Miranda* only required when there is both custody and interrogation).

A custodial interrogation is any "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." *Wilkerson v. State*, 173 S.W.3d 521, 526 (Tex. Crim. App. 2005). Interrogation also includes any words or actions of the police (other than those attendant to arrest and custody) that the police should know are likely to elicit an incriminating response. *Alford v. State*, 358 S.W.3d 647, 653 (Tex. Crim. App. 2012) (quoting *Rhode Island v. Innis*, 446 U.S. 291, 301)).

The State argues that appellant was not interrogated, but rather volunteered information about the gun. It is well-established that when an accused in custody

volunteers information that is not in response to interrogation, the statement is admissible because it is not the product of custodial interrogation. *See Stevens v. State*, 671 S.W.2d 517, 520 (Tex. Crim. App. 1984); *Innis*, 446 U.S. at 291. But the State ignores the single question that precipitated those gratuitous remarks. Specifically, after appellant was handcuffed, Officer Banks asked if he would find anything illegal in the search, and appellant responded that he had a gun. This question, posed while appellant was in custody, was likely to elicit an incriminating response. *See Alford*, 358 S.W.3d at 653. We therefore conclude that appellant's incriminating statement about possession of the gun resulted from custodial interrogation and because the requisite warnings were not given, should have been suppressed.

F. Did the Suppression Error Cause Harm?

The State concedes that appellant was harmed if the motion to suppress was erroneously denied. Having found suppression error, we agree that appellant was harmed.

We review suppression error for constitutional harm under Rule 44.2(a). *See* TEX. R. APP. P. 44.2 (a); *Hernandez v. State*, 60 S.W.3d 106, 108 (Tex. Crim. App. 2001). Constitutional error requires reversal of the conviction unless we determine beyond a reasonable doubt that the trial court's denial of the motion to suppress did not contribute to the conviction. *See* TEX. R. APP. P. 44.2 (a); *Williams v. State*, 958 S.W.2d 186, 194 (Tex. Crim. App. 1997).

Here, recordings of appellant's statements were played for the jury and were referred to throughout the State's case. As the United States Supreme Court has observed, "a defendant's own confession is probably the most probative and damaging evidence that can be admitted against him." *Arizona v. Fulminante*, 499 U.S. 279, 296 (1991).

Accordingly, on this record, we cannot conclude beyond a reasonable doubt that the suppression error did not contribute to the conviction. *See* TEX. R. APP. P. 44.2 (a). We reverse the trial court's ruling on the motion to suppress, reverse the trial court's judgment, and remand the case for further proceedings consistent with this opinion.

/Dennise Garcia/
DENNISE GARCIA
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)
05200458F.U05

Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

DETRICK LEE CHARLES, Appellant	On Appeal from the 422nd Judicial District Court, Kaufman County, Texas
No. 05-20-00458-CR V.	Trial Court Cause No. 17-40188-422-F.
THE STATE OF TEXAS, Appellee	Opinion delivered by Justice Garcia. Justices Schenck and Smith participating.

Based on the Court's opinion of this date, the trial court's ruling on the motion to suppress is **REVERSED**, judgment of the trial court is **REVERSED,** and the cause **REMANDED** for further proceedings consistent with this opinion.

Judgment entered October 27, 2021