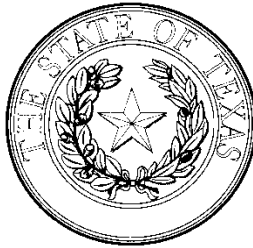


Opinion issued August 18, 2011.



In The
Court of Appeals
For The
First District of Texas

NOS. 01-10-00058-CR
01-10-00059-CR

ROBERT LLOYD BEAUDOIN, Appellant
V.
THE STATE OF TEXAS, Appellee

**On Appeal from the 228th District Court
Harris County, Texas
Trial Court Case Nos. 1197863, 1197864**

MEMORANDUM OPINION

Appellant Robert Lloyd Beaudoin pled guilty to possession with intent to deliver a controlled substance. The trial court assessed punishment at fifteen

years' confinement. Appellant appeals the denial of his motion to suppress evidence seized from his vehicle in a warrantless search.

We affirm.

BACKGROUND

Very early one morning in January 2009, while patrolling the Coppertree Apartments parking lot, Houston police officers Jones and Lisle spotted a vehicle headed the opposite direction from them. When the vehicle exited the parking lot, it did not use its turn signal before making the left turn onto Veterans Memorial and crossed two lanes of southbound traffic and a median to enter the far right, northbound traffic lane.

The officers followed the vehicle. They entered the license plate into the mobile data transmitter ("MDT") in their patrol car, which showed a City of Houston warrant in appellant's name.

The police officers stopped appellant's car and Officer Jones asked for appellant's identification, by which the officers identified the name on the driver's ID as the same on the warrant response on the vehicle. Officer Lisle testified that they then placed appellant under arrest for the traffic violations, handcuffed appellant and placed him in the back of the police car. The officers subsequently confirmed seven outstanding warrants for appellant.

Neither of the two passengers in the car with appellant carried a driver's license, and the officers impounded the vehicle. The inventory search attendant to the car's impoundment yielded a bag containing almost four kilos of hydrocodone and approximately 226 grams of Xanax.

Appellant filed a pretrial motion to suppress the results of the inventory search. Upon the hearing of that motion, appellant's attorney elicited testimony from both officers that they had arrested appellant for his failure to use his turn signal when turning from the apartment complex to the public street. Appellant's attorney argued that no turn signal was required for such a turn from private property to a public highway and, thus, the officers had lacked probable cause for appellant's arrest. The trial court denied the motion to suppress. The trial judge later signed findings of fact and conclusions of law stating, in pertinent part, that he found probable cause for the arrest and that, even if a turn signal is not required for turning out of a private driveway, "the turn into the far lane is another traffic violation DEFENDANT ROBERT BEAUDOIN could have been arrested for, as well as the warrants for his arrest."

STANDARD OF REVIEW

We review the trial court's ruling on a motion to suppress for abuse of discretion. *State v. Dixon*, 206 S.W.3d 587, 590 (Tex. Crim. App. 2006). We will affirm the ruling, therefore, "if it is reasonably supported by the record and is

correct under any theory of law applicable to the case.” *Ramos v. State*, 245 S.W.3d 410, 418 (Tex. Crim. App. 2008). Because the trial court is “uniquely situated” to observe the demeanor and the appearance of witnesses and is “the sole trier of fact and judge of the credibility of the witnesses and the weight to be given their testimony,” we must view the evidence in the light that most favors the ruling. *Wiede v. State*, 214 S.W.3d 17, 24–25 (Tex. Crim. App. 2007) (citing *State v. Ross*, 32 S.W.3d 853, 856 (Tex. Crim. App. 2000) (additional citations omitted)). Those mixed questions of law and fact that turn on the credibility and demeanor of a witness are reviewed under an almost-total-deference standard, and those mixed questions of law and fact that do *not* turn on the credibility and demeanor of a witness are reviewed *de novo*. *Sims v. State*, 84 S.W.3d 805, 807 (Tex. App.—Houston [1st Dist.] 2002, no pet.). Where the issue turns upon the application of the law to historical facts, our review is *de novo*. *Amador v. State*, 221 S.W.3d 666, 673 (Tex. Crim. App. 2007).

NO ERROR IN DENYING MOTION TO SUPPRESS

In his sole issue, appellant claims that the trial court erred in denying appellant’s motion to suppress. Appellant argues that he was arrested solely on the basis of having failed to use his traffic signal when turning left out of the apartment complex, but that no traffic signal was required because he was turning from private property to a public highway. Accordingly, appellant contends that there

was no probable cause to stop or arrest him and thus the trial court should have granted his motion to suppress.

In its Findings of Fact and Conclusions of Law, the trial court found three bases for the arrest of appellant: 1) the left-hand turn without a turn signal; 2) the turn into the curb lane instead of the left lane; and 3) the outstanding warrants for appellant's arrest. The outstanding warrants against appellant provided probable cause for his arrest, as discussed below.

A. The Initial Detention

Trial testimony established that, prior to stopping appellant, the officers entered his license plate on their MDT and discovered a warrant, and thus had reasonable suspicion to justify an investigative stop. *Hurtado v. State*, 881 S.W.2d 738, 742 (Tex. App.—Houston [1st Dist.] 1994, pet. ref'd). Such reasonable suspicion need not rise to the level of probable cause to believe appellant was the subject of one or more of the warrants in order to authorize an officer to stop appellant's car. *Id.* (citing *Stone v. State*, 703 S.W.2d 652, 654 (Tex. Crim. App. 1986)). Accordingly, we conclude that the initial temporary detention was legal.

B. The Arrest

Once stopped, the officers requested that he produce his driver's license.¹ A computer check promptly verified the existence of seven warrants for appellant.

Prior to verification of these warrants, however, appellant had been arrested and placed in the back of the police car. Both officers testified that appellant's arrest was for traffic violations. We need not, however, limit our review to the violations that the officer cited in executing the stop. *See Singleton v. State*, 91 S.W.3d 342, 347 (Tex. App.—Texarkana 2002, no pet.). Instead, we must sustain the judge's decision if it is correct on any theory of law applicable to the case. *See Ross*, 32 S.W.3d at 856.

Attendant to any stop, law enforcement may request a driver's license, proof of financial responsibility, and registration and may verify the information via computer. *See United States v. Brigham*, 382 F.3d 500, 509 (5th Cir. 2004); *Kothe v. State*, 152 S.W.3d 54, 66–67 (Tex. Crim. App. 2004). If such a verification reveals outstanding warrants, probable cause to arrest exists. *Haley v. State*, 480 S.W.2d 644, 645 (Tex. Crim. App. 1972); *Oliver v. State*, 10 S.W.3d 411, 416 (Tex. App.—Waco 2000, no pet.); TEX. CODE CRIM. PROC. ANN. art. 15.26 (West 2005). Thus the discovery of outstanding warrants justifies an arrest even after an earlier illegal detention. *See Johnson v. State*, 496 S.W.2d 72 (Tex. Crim. App.

¹ *See* TEX. TRANSP. CODE ANN. § 521.025(b) (West Supp. 2010).

1973) (initial arrest, even if illegal, did not vitiate later arrest for outstanding warrants). *See also, Jones v. State*, 179 S.W.3d 770, 778 (Tex. App.—Houston [1st Dist.] 2005), *rev'd on other grounds*, 223 S.W.3d 379 (Tex. Crim. App. 2007) (“If an officer discovers a valid warrant for an individual’s arrest and the officer arrests the individual under the authority of that warrant, any evidence found during a subsequent search incident to the arrest is admissible even if any illegality occurs in the initial detention.”); *Sims*, 84 S.W.3d at 810 (marijuana discovered after legal arrest for outstanding warrant admissible despite earlier illegal detention).

Here, the police officers’ initial computer search revealed one of appellant’s outstanding warrants and provided reasonable suspicion for the initial stop. The officers then testified that they arrested appellant for traffic violations. After this arrest, they determined he actually had seven warrants. At that point, regardless of the viability of any traffic violations they may have witnessed, appellant’s arrest was supported by probable cause. As the illegal drugs were discovered pursuant to an inventory search undertaken after the confirmation of the valid arrest warrants, they were admissible as evidence. *Jones*, 179 S.W.3d at 778. We conclude that the trial court did not abuse its discretion when it denied appellant’s motion to suppress.

CONCLUSION

We overrule appellant's sole issue and affirm the judgment of the trial court.

Jim Sharp
Justice

Panel consists of Chief Justice Radack and Justices Sharp and Brown.

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