**IN THE**
**TENTH COURT OF APPEALS**

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**No. 10-19-00243-CR**

**SAMUEL CRAWFORD PATTERSON,**

**Appellant**

**v.**

**THE STATE OF TEXAS,**

**Appellee**

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**From the 361st District Court**
**Brazos County, Texas**
**Trial Court No. 17-00251-CRF-361**

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## MEMORANDUM OPINION

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In two issues, appellant, Samuel Crawford Patterson, challenges his convictions for two counts of unlawful possession of a controlled substance. *See* TEX. HEALTH & SAFETY CODE ANN. § 481.1151, 481.116 (West 2017). Specifically, Patterson contends that the trial court abused its discretion by overruling his first amended motion to suppress evidence. We reverse and remand.

## I. BACKGROUND

In the very early morning hours of August 20, 2016, something was amiss during a fraternity party at the Signa Nu Fraternity House located on 550 Fraternity Row in College Station, Texas. Several 911 calls were made to report the possible heroin overdose of a Sigma Nu fraternity brother later identified as Anton Gridnev. The 911 calls made clear that illegal drugs were present at the fraternity house and that the fraternity brothers did not want the police involved. Nevertheless, emergency medical technicians, as well as law enforcement, soon arrived.

Sergeant Steven Taylor of the College Station Police Department was the first police officer to arrive at the house. Two paramedics were already on the scene tending to Gridnev, who was lying motionless just inside the doorway of the fraternity house. As the scene unfolded, law enforcement discovered that Gridnev was deceased. There was evidence that suggested that Gridnev's body had been moved from inside the house to the doorstep. Because law enforcement was unsure at the time as to whether Gridnev himself had overdosed or if someone else had overdosed Gridnev, the entire fraternity house was treated as a murder scene.

Police proceeded to conduct three warrantless "sweeps" of the fraternity house. First, several officers conducted what was characterized as a "protective sweep" to ensure that all of the fraternity brothers were out of their rooms and were in the common areas of the house so that law enforcement could determine if anyone else had overdosed or

needed medical treatment and to ensure that evidence was not destroyed. This first "sweep" was not described as overly thorough. A second "sweep," which officers characterized as departmental policy, was conducted to ensure, once again, that all the fraternity brothers were accounted for and present in the common areas of the house.

During the initial two "sweeps" for the occupants in the house, law enforcement noticed illegal drugs and drug paraphernalia in plain view within the rooms. According to Officer Christopher Herring of the College Station Police Department, this included "drug paraphernalia, grinders, lots of pipes, bongs, and then also that I had seen white, powdery substance consistent with cocaine" in multiple rooms. As noted in the affidavit supporting the search warrant, Patterson, in particular, had in his room, in plain view, a "coffee table: two small plastic baggies with white colored residue, white powdery substance arranged in a line." No witness testified as to whether the door to Patterson's room was closed or locked when the drug evidence was observed.

During a third "sweep," Investigator John Reilly Garrett of the College Station Police Department was escorted through the fraternity house to observe illegal drugs and drug paraphernalia in plain view in the common areas and the rooms. He detailed this information in his affidavit to secure a search warrant of the entire premises.

Based on the evidence seized from his room at the fraternity house, Patterson was charged by indictment with one count of unlawful possession of less than one gram of a controlled substance—3,4-methylenedioxy methamphetamine—in Penalty Group 2 and

one count of unlawful possession of a less than twenty abuse units of a controlled substance—lysergic acid diethylamide—in Penalty Group 1A. Patterson filed an original and a first amended motion to suppress evidence. The trial court conducted a hearing on Patterson's first amended motion to suppress, as well as motions to suppress from five other co-defendants. After the hearing, the trial court denied Patterson's motion to suppress.

Thereafter, Patterson entered an open plea of guilty and elected for punishment to be assessed by the trial court. In each count, the trial court assessed punishment at two years' incarceration in the State Jail but probated the sentence for five years with various conditions described in the judgments. The sentences were ordered to run concurrently. The trial court certified Patterson's right of appeal, and this appeal followed.

## II. STANDARD OF REVIEW

We review the trial court's ruling on a motion to suppress evidence for an abuse of discretion, using a bifurcated standard. *See Crain v. State*, 315 S.W.3d 43, 48 (Tex. Crim. App. 2010); *Guzman v. State*, 955 S.W.2d 85, 88-89 (Tex. Crim. App. 1997). We give "almost total deference" to the trial court's findings of historical fact that are supported by the record and to mixed questions of law and fact that turn on an evaluation of credibility and demeanor. *Guzman*, 955 S.W.2d at 89. We review de novo the trial court's determination of the law and its application of law to facts that do not turn upon an evaluation of credibility and demeanor. *Id.* When the trial court has not made a finding

on a relevant fact, we imply the finding that supports the trial court's ruling, so long as it finds some support in the record. *State v. Kelly*, 204 S.W.3d 808, 818-19 (Tex. Crim. App. 2006); *see Moran v. State*, 213 S.W.3d 917, 922 (Tex. Crim. App. 2007). We will uphold the trial court's ruling if it is reasonably supported by the record and is correct under any theory of law applicable to the case. *State v. Dixon*, 206 S.W.3d 587, 590 (Tex. Crim. App. 2006).

When ruling on a motion to suppress evidence, the trial judge is the sole trier of fact and judge of the credibility of the witnesses and the weight to be given their testimony. *Wiede v. State*, 214 S.W.3d 17, 24-25 (Tex. Crim. App. 2007). When reviewing a trial court's ruling on a motion to suppress, we view all the evidence in the light most favorable to the ruling. *Garcia-Cantu v. State*, 253 S.W.3d 236, 241 (Tex. Crim. App. 2008).

## III. THE PARTICULARITY REQUIREMENT FOR SEARCH WARRANTS

In his second issue, Patterson contends that the trial court abused its discretion by denying his first amended motion to suppress because the search warrant was facially invalid, and because it did not describe, with sufficient particularity, his room within the fraternity house.

At trial and on appeal, the parties dispute whether Patterson has standing to challenge the search of his room at the fraternity house. Because it is a threshold matter, we must initially address the standing issue before addressing Patterson's particularity argument.

To challenge a search and seizure under the United States Constitution, the Texas Constitution, or the Texas Code of Criminal Procedure, a party must first establish standing. *Pham v. State*, 324 S.W.3d 869, 874 (Tex. App.—Houston [14th Dist.] 2010, pet. ref'd) (citing *Villarreal v. State*, 935 S.W.2d 134, 138 (Tex. Crim. App. 1996)). The defendant who challenges the search has the burden to establish standing. *See State v. Betts*, 397 S.W.3d 198, 203 (Tex. Crim. App. 2013); *see also Villarreal*, 935 S.W.2d at 138.

A defendant may establish standing through an expectation-of-privacy approach or an intrusion-upon-property approach. *See State v. Bell*, 366 S.W.3d 712, 713 (Tex. Crim. App. 2012) (citing *United States v. Jones*, 565 U.S. 400, 132 S. Ct. 945, 949-50, 181 L. Ed. 911 (2012)); *Williams v. State*, 502 S.W.3d 254, 258 (Tex. App.—Houston [14th Dist.] 2016, pet. ref'd) (citing *Florida v. Jardines*, 569 U.S. 1, 133 S. Ct. 1409, 1414, 185 L. Ed. 495 (2013); *Jones*, 132 S. Ct. at 949-51; *State v. Huse*, 491 S.W.3d 833, 839-40 (Tex. Crim. App. 2016)). In the instant case, the focus is on whether Patterson has a legitimate expectation of privacy in his room at the fraternity house.

Regarding the search of a dormitory room, the Court of Criminal Appeals has stated:

> The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures[.]" U.S. CONST. amend. IV. The central concern underlying the Fourth Amendment has remained the same throughout the centuries; it is the concern about giving police officers unbridled discretion to rummage at will among a person's private effects. *State v. Granville*, 423 S.W.3d 399, 405 (Tex. Crim. App. 2014). A Fourth Amendment claim may be raised on a trespass theory of search (one's own personal effects have been

trespassed), or a privacy theory of search (one's own expectation of privacy was breached). *Ford v. State*, 477 S.W.3d 321, 328 (Tex. Crim. App. 2015). If the government obtains information by physically intruding on persons, houses, papers, or effects, a trespass search has occurred. *United States v. Jones*, 565 U.S. 400, 404-05, 132 S. Ct. 945, 181 L. Ed. 911 (2012). If the government obtains information by violating a person's reasonable expectation of privacy, regardless of the presence or absence of a physical intrusion into any given enclosure, a privacy search has occurred. *Florida v. Jardines*, 569 U.S. 1, 133 S. Ct. 1409, 1417, 185 L. Ed. 495 (2013); *Kyllo v. United States*, 533 U.S. 27, 40, 121 S. Ct. 2038, 150 L. Ed. 2d 94 (2001). A search, conducted without a warrant, is per se unreasonable, subject to certain "jealously and carefully drawn" exceptions." *Georgia v. Robinson*, 547 U.S. 103, 109, 126 S. Ct. 1515, 164 L. Ed. 2d 208 (2006).

The physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed. *Welsh v. Wisconsin*, 466 U.S. 740, 748, 104 S. Ct. 2091, 80 L. Ed. 732 (1984). Of course, Fourth Amendment protections of the "home" are not limited to houses. While a landlord may have limited authority to enter to perform repairs, a landlord does not have the general authority to consent to a search of a tenant's private living space. *Maxwell v. State*, 73 S.W.3d 278, 282 n.3 (Tex. Crim. App. 2002) (citing *Chapman v. United States*, 365 U.S. 610, 81 S. Ct. 776, 5 L. Ed. 828 (1961)). Nor may a hotel clerk validly consent to the search of a room that has been rented to a customer. *Maxwell, id.* (citing *Stoner v. California*, 376 U.S. 483, 84 S. Ct. 889, 11 L. Ed. 2d 856 (1964)).

*Rodriguez v. State*, 521 S.W.3d 1, 8-9 (Tex. Crim. App. 2017).

The *Rodriguez* Court then concluded,

And, as a general matter, "'[a] dormitory room is analogous to an apartment or a hotel room.'" *Piazzola* [*v. Watkins*], 442 F.2d [284], 288 [(5th Cir. 1971)] (quoting *Com. v. McClosky*, 217 Pa. Super 432, 272 A.2d 271, 273 (Pa. Super Ct. 1970)). "'It certainly offers its occupant a more reasonable expectation of freedom from governmental intrusion than does a public telephone booth.'" *Id.* Courts have widely agreed that a dorm room is a home away from home. Dorm personnel can—by virtue of contract—enter dorm rooms and examine, without a warrant, the personal effects of students that are kept there in order to maintain a safe and secure campus, or to enforce a campus rule or regulation; the students nevertheless enjoy

> the right of privacy and freedom from an unreasonable search or seizure. *See Grubbs* [*v. State*], 177 S.W.3d [313], 318 [(Tex. App.—Houston [1st Dist.] 2005, pet. ref'd)]; *People v. Superior Court*, (Walker) 143 Cal. App. 4th 1183, 1209, 49 Cal. Rptr. 3d 831 (Cal. Ct. App. 2006); *Beauchamp v. State*, 742 So. 2d 431, 432 (Fla. Dist. Ct. App. 1999); *Com. v. Neilson*, 423 Mass. 75, 666 N.E.2d 984, 985-86 (Mass. 1996); *Morale v. Grigel*, 422 F. Supp. 988, 997 (D.N.H. 1976); *Smyth v. Lubbers*, 398 F. Supp. 777, 786 (W.D. Mich. 1975); *People v. Cohen*, 57 Misc. 2d 366, 292 N.Y.S.2d 706, 713 (Dist. Cr. 1968), aff'd, 61 Misc.2d 858, 306 N.Y.S.2d 788 (Sup. Ct. 1969). The student is the tenant, the college the landlord. As the court of appeals put it: "Appellee enjoyed the same Fourth Amendment protection from unreasonable searches and seizures in her dormitory room as would any other citizen in a private home." *Rodriguez* [*v. State*], [529 S.W.3d 81, 88 (Tex. App.—Eastland 2015), *aff'd*, 521 S.W.3d 1 (Tex. Crim. App. 2017)].

*Id.* at 9.

In our analysis of the standing issue, we are tasked with determining whether Patterson has a privacy interest in his room at the fraternity house. Similar to the situation in *Rodriguez*, we believe that Patterson enjoyed the same Fourth Amendment protection from unreasonable searches and seizures in his room at the fraternity house as would any other citizen in a private room or a college dormitory room.

Both a dorm room and a room at a fraternity house are considered to be a home away from home for the college students that occupy the rooms. *See id.* Both have shared community spaces, such as lounge areas, bathrooms, and, in some instances, kitchens. Additionally, both a typical dorm room and the rooms at the Signa Nu fraternity house have doors that can be locked, which allow the occupants to exclude others. Furthermore, the record in this case depicts the enormity of the Sigma Nu fraternity house that has multiple levels, several community spaces for recreational activities and group meetings,

a large kitchen with multiple ovens and refrigerators and freezers, and approximately twenty-five separate rooms occupied by college students. In other words, the Signa Nu Fraternity House more closely resembles that of a dorm, rather than a single-residence home. Therefore, because the Sigma Nu Fraternity House more closely resembles the dormitory described in *Rodriguez*, we conclude that Patterson had a reasonable expectation of privacy in his room at the fraternity house. *See id.* at 8-9. And as such, we further conclude that Patterson has standing to challenge the search of his room at the Sigma Nu Fraternity House. *See Betts*, 397 S.W.3d at 203; *Villarreal*, 935 S.W.2d at 138; *see also Pham*, 324 S.W.3d at 874.

The State argues that the fraternity house should be treated more like a single-family residence because the leases that Patterson and the other tenants at the fraternity house signed do not reference a particular room. Instead, the leases merely state that Patterson and the other fraternity brothers were leasing the property located at 550 Fraternity Row, College Station, TX 77845 (the Sigma Nu Fraternity House). While the nature of the leases in this case might be some indicia of a single residence, we do not think it is dispositive of the issue considering all of the similarities listed above between a dormitory and the fraternity house.

The State also makes an argument that the Sigma Nu Fraternity members refer to themselves as brothers and have chosen to live together in a single residence—the Sigma Nu Fraternity House. We are not persuaded by this argument either. Many college

students choose particular dormitories to live with their friends, and as noted in *Rodriguez*, the decision to live together in a dormitory does not somehow eliminate the students' privacy interests in their dorm room. *See* 521 S.W.3d at 9. The same should be true for rooms in a fraternity house.

Additionally, the State relies on several cases from the federal courts in an attempt to characterize the Sigma Nu Fraternity brothers as roommates living in a single residence. *See United States v. McLellan*, 792 F.3d 200, 212-13 (1st Cir. 2015), *cert. denied*, 2015 U.S. LEXIS 7145 (U.S., Nov. 9, 2015); *United States v. Werra*, 638 F.3d 326, 332-33 (1st Cir. 2011); *Reardon v. Wroan*, 811 F.2d 1025, 1027 n.2 (7th Cir. 1987) (noting that "fraternity members could best be described as 'roommates in the same house,' not simply co-tenants sharing certain common areas").

First, we note that none of these cases are binding precedent on this Court. Further, we also emphasize that each of the cases cited by the State are factually distinguishable from the case at bar, as none of them involved privacy interests in a large fraternity house like the Sigma Nu Fraternity House.[1] And finally, we recognize that

[1] The *McLellan* Court, in particular, placed emphasis on the fact that a living space that had no separate entrance to the street and did not have a separate mailbox was more closely related to a single-unit residence. *See United States v. McLellan*, 792 F.3d 200, 213 (1st Cir. 2015), *cert. denied*, 2015 U.S. LEXIS 7145 (U.S., Nov. 9, 2015) (holding that 180 High Street was a single-unit residence based on the following factors: (1) the room was not equipped for independent living; (2) there was no separate entrance to the street; (3) occupants had joint access to the common areas, such as the kitchen and living room; and (4) there were no separate doorbells or mailboxes). Neither a dormitory room nor a room at a fraternity house usually has a separate entrance to the street or outside. Furthermore, neither a dormitory room nor a room at the Sigma Nu Fraternity House had separate mailboxes for each room. Rather, in both instances, mail is delivered to a centralized location within the residential unit. Moreover, both occupants of a dormitory and those of a fraternity house have joint access to common areas, such as kitchens, living rooms, and

there is federal authority that undercuts the holdings in *McLellan* and *Werra*. *See, e.g.*, *United States v. Anderson*, 533 F.2d 1210, 1214, 175 U.S. App. D.C. 75 (D.C. Cir. 1976) (holding that "appellant's constitutionally protected privacy interest began at the door to [his] room . . . rather than at the door to the entire rooming house").

Based on the foregoing, we conclude that there exists no rational reason to distinguish privacy interests between a dormitory room and a room at the Sigma Nu Fraternity House. Accordingly, we hold that Patterson had a reasonable expectation of privacy in his room at the Sigma Nu Fraternity House. With that in mind, we now address Patterson's particularity argument as it pertains to the search warrant executed in this case.

To comply with the Fourth Amendment, a search warrant must describe the place to be searched and the items to be seized with sufficient particularity to avoid the possibility of a general search. *Thacker v. State*, 889 S.W.2d 380, 389 (Tex. App.—Houston [14th Dist.] 1994, pet. ref'd); *see* TEX. CODE CRIM. PROC. ANN. art. 18.01(c). The particularity requirement of the Fourth Amendment prevents general searches, while at

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bathrooms. Additionally, the Court of Criminal Appeals has held that the occupant of a dormitory room enjoys the same Fourth Amendment protections from unreasonable searches and seizures as other citizens have in their private home. *See Rodriguez v. State*, 531 S.W.3d 1, 8-9 (Tex. Crim. App. 2017); *see also McKinney v. State*, 177 S.W.3d 186, 192 (Tex. App.—Houston [1st Dist.] 2005), *aff'd*, 207 S.W.3d 366 (Tex. Crim. App. 2006) (stating that an intermediate appellate court must follow the binding precedent of the Court of Criminal Appeals); *State v. Stevenson*, 993 S.W.2d 857, 867 (Tex. App.—Fort Worth 1999 no pet.) ("Because a decision of the court of criminal appeals is binding precedent, we are compelled to comply with its dictates."). We see no reason why Patterson's room at the Sigma Nu Fraternity House should be treated dissimilarly to a dormitory room.

the same time assuring the individual whose property is being seized and searched of both the lawful authority and limits of the search itself. *Groh v. Ramirez*, 540 U.S. 551, 561, 124 S. Ct. 1284, 157 L. Ed. 1068 (2004).

> "The constitutional objectives of requiring a 'particular' description of the place to be searched include: 1) ensuring that the officer searches the right place; 2) confirming that probable cause is, in fact, established for the place described in the warrant; 3) limiting the officer's discretion and narrowing the scope of his search; 4) minimizing the danger of mistakenly searching the person or property of an innocent bystander or property owner; and 5) informing the owner of the officer's authority to search that specific location."

*Long v. State*, 132 S.W.3d 443, 447 (Tex. Crim. App. 2004).

A warrant and supporting affidavit satisfies the Fourth Amendment when it recites facts sufficient to show: (1) that a specific offense has been committed; (2) that the property or items to be searched for or seized constitute or contain evidence of the offense or evidence that a particular person committed it; and (3) that the evidence sought is located at or within the thing to be searched. *Sims v. State*, 526 S.W.3d 638, 645 (Tex. App.—Texarkana 2017, no pet.); *see* TEX. CODE CRIM. PROC. ANN. art. 18.01(c). The recited facts in the affidavit must be "sufficient to justify a conclusion that the object of the search is probably [within the scope of the requested search] at the time the warrant is issued." *State v. Delagarza*, 158 S.W.3d 25, 26 (Tex. App.—Austin 2005, no pet.).

In the instant case, the affidavit supporting the search warrant described the place to be searched as follows:

> A multi-story, multi-wing residence building located at 550 Fraternity Row, College Station, Brazos County, Texas. The residence is known as the Sigma Nu Fraternity house and sits on the northeast corner of the Fraternity Row and Deacon Drive intersection. The exterior consists of light beige siding and light beige colored brick. The main wing consists of a two story structure, with an open balcony with a wrought iron railing running the full length of the front of the building. There is a doorway located in the center. There are two large sized, multi-paned windows to both the right and left side of this doorway. Each window is further described as having dark brown shutters to either side. The lower level holds the main entrance, also centered in the building, with two large sized, multi-paned windows to both the right and left side of this doorway. The front of the residence building has six, individual, brick pillars which reach from the ground to the top of the second story. These pillars are made of beige colored brick. The two center most pillars are adorned with lighting sconces which are positioned near the center of the pillar, height wise. Centered on the second level and attached to the wrought iron railing are the two large, Greek letters for Sigma and Nu, which are dark brown in color surrounded by a white outline. Directly below these letters, the numbers "550" are affixed. The main entrance into the residence building faces towards the southwest and consists of two wooden doors which open outwards. The doors are painted maroon in color; with the right side door having a brown metal, latch style door knob with an attached electronic key pad positioned on the left side of the door. Above the door latch is a brown metal keyhole for a deadbolt style locking mechanism. The attached wing is also two storied and made up of beige colored brick. It is positioned on the northwest side of the main building. The southwest facing side of the attached wing hold four individual windows, two on each level, which consist of multi-paned windows and dark brown colored shutters to each side. Said Suspected Place also includes locations outside of the residence, such as garages, outbuildings, boxes, and other vehicles parked within the curtilage of Said Suspected Place.

The search warrant incorporated the affidavit for all purposes; thus, the description of "Said Suspected Place" in the search warrant mirrors that of the affidavit.

On appeal, Patterson argues that the description of "Said Suspected Place" to be searched was insufficient because the particularity requirement of the Fourth

Amendment mandated a description of his room within the fraternity house structure. We agree.

As shown above, neither the affidavit in support of the search warrant nor the search warrant itself identified Patterson's room within the Sigma Nu Fraternity House—Room 216—as a place to be searched. Because we have held that society is prepared to recognize that Patterson has a reasonable expectation of privacy in his room within the Sigma Nu Fraternity House, we conclude that the description of the place to be searched in this case violated the particularity requirement of the Fourth Amendment of the United States Constitution. *See* TEX. CODE CRIM. PROC. ANN. art. 18.01(c); *Thacker*, 889 S.W.2d at 389; see also *Sims*, 526 S.W.3d at 645; *Delagarza*, 158 S.W.3d at 26. The description of the place to be searched in this case—the entire Sigma Nu Fraternity House—was too broad and, thus, was deficient as a general warrant. We therefore conclude that the trial court abused its discretion by denying Patterson's motion to suppress evidence seized from his room within the Sigma Nu Fraternity House on this basis. *See Crain*, 315 S.W.3d at 48; *see also Guzman*, 955 S.W.2d at 88-89. Accordingly, we sustain Patterson's second issue.[2]

We next address whether the trial court's error is reversible. Constitutional errors are reversible unless the appellate court determines the error did not contribute to the

[2] Because we have sustained Patterson's second issue, which affords him the relief of suppression of the evidence contained in his room within the Sigma Nu Fraternity House, we need not address his first issue, which challenged the propriety of law enforcement's three "sweeps" of the entire house, including each of the twenty-five private rooms, without a warrant.

conviction or punishment beyond a reasonable doubt. TEX. R. APP. P. 44.2(a). Non-constitutional errors are reversible if they affected a defendant's substantial rights. *Id.* at R. 44.2(b). Even assuming the lower threshold of non-constitutional error, we conclude that harm is present.

"'A substantial right is affected when the error had a substantial and injurious effect or influence in determining the jury's verdict.'" *Thomas v. State*, 505 S.W.3d 916, 926 (Tex. Crim. App. 2016) (quoting *King v. State*, 953 S.W.2d 266, 271 (Tex. Crim. App. 1997)). An error had a substantial and injurious effect or influence if it substantially swayed the jury's argument. In determining whether error had a substantial and injurious effect or influence on the verdict, we must review the error in relation to the entire proceeding. *Haley v. State*, 173 S.W.3d 510, 518 (Tex. Crim. App. 2005). "[I]f the appellate court, after examining the record as a whole, has fair assurance that the error did not influence the jury, or had but a slight effect," the error is harmless. *Johnson v. State*, 967 S.W.2d 410, 417 (Tex. Crim. App. 2018). If the appellate court is unsure whether the error affected the outcome, that court should treat the error as harmful. *Webb v. State*, 36 S.W.3d 164, 183 (Tex. App.—Houston 14th Dist.] 2000, pet. ref'd).

Based on the record before us, we cannot say with fair assurance that the erroneous admission of the drug evidence from Patterson's room based on a defective search warrant did not affect Patterson's substantial rights. This evidence was crucial in this case, and because the drug evidence was not suppressed by the trial court, Patterson was

induced to enter a guilty plea in this case. Under these circumstances, we conclude that the trial court's error in not suppressing the drug evidence in this case was harmful, and as such, we must reverse Patterson's conviction.

## IV. CONCLUSION

Having concluded that the trial court erred by denying Patterson's motion to suppress and that the error was harmful, we reverse the judgment of the trial court and remand for proceedings consistent with this opinion.

JOHN E. NEILL
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill
Reversed and remanded
Opinion delivered and filed December 9, 2020
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