

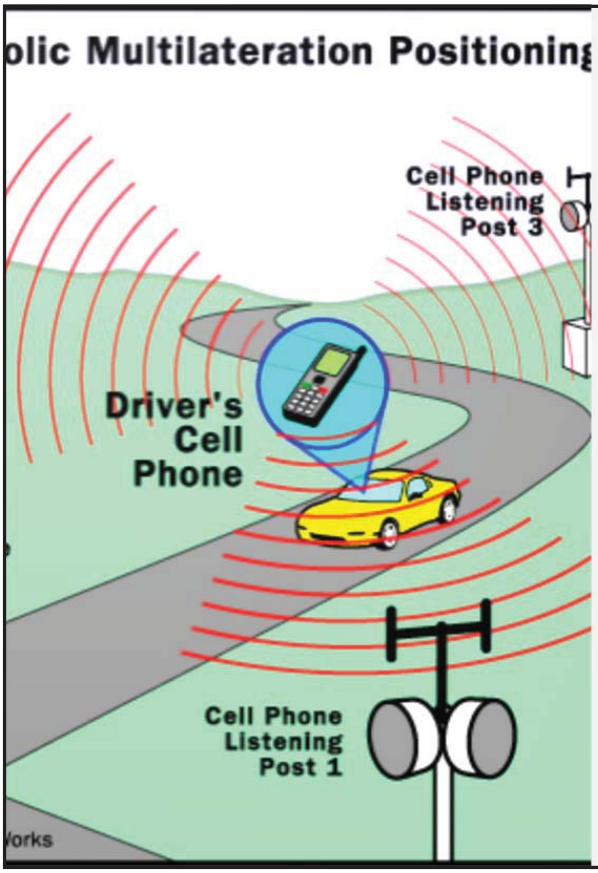
Pending Issues on Petition for Discretionary Review in the Texas Court of Criminal Appeals

Kathleen Schneider, PDR Section Chief, Texas Court of Criminal Appeals

Stacey M. Soule, State Prosecuting Attorney
@OSPATX

SEARCH AND SEIZURE





SIMS, PD-0941-17

Do violations of the Federal Stored Communication Act and TEX. CODE CRIM. PROC. art. 18.21 require suppression of evidence pertaining to the warrantless pinging of a cellphone 38.23?

Does a person have a legitimate expectation of privacy in real-time data-tracking, regardless of whether it is a private or public location, such that real-time, tracking was illegally seized under the Fourth Amendment and TEX. CODE CRIM. PROC. art. 38.23?



HOLDER, PD-1296-16

Whether the State's petition for 20 days of cell phone records set forth "specific and articulable facts" under the Federal Stored Communications Act.

The defendant has the initial burden of production to prove a violation on a pretrial motion to suppress.

Is the burden the same during trial when the State is the proponent of evidence?



White, PD-0442-17



Was the search of substitute teacher Ruiz's cell-phone for "up-skirt" photos of students by the school principal illegal—breach of computer security—so as to implicate Article 38.23's exclusionary rule?

UT LAW CLE THE UNIVERSITY OF TEXAS TEXASLAW

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the UT Law CLE eLibrary (utcle.org/elibrary)

Title search: Emerging Issues in PDRs

Also available as part of the eCourse
Answer Bar: How to Survive a Criminal Appeal

First appeared as part of the conference materials for the
2018 Robert O. Dawson Conference on Criminal Appeals session
"Emerging Issues in PDRs"