




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

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Search and Seizure





Ruiz, PD-1348-17

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?

1. Whether the State's petition for 20 days of cell phone records set forth "**specific and articulable facts**" under the Federal Stored Communications Act.
2. What is the remedy for a violation of the Stored Communication's Act?

Holder, PD-1269-16



Hankston, PD-0887-15



“Did the Court of Appeals err when it 'utilize[d] Fourth Amendment precedent' in determining Art. 1 Section 9 of the Texas Constitution was not violated when the State obtained Appellant’s cell phone records without a warrant in light of *Richardson v. State*, 865 S.W.2d 944 (Tex. Crim. App. 1993)?”

Foreman, PD-1090/91-18

1. Can a magistrate issuing a warrant infer that an auto body shop will have surveillance equipment when no facts in the affidavit referred to such equipment?

2. Does “plain view” justify the warrantless seizure of the auto-body-shop’s surveillance equipment when police saw it recording live footage while executing a search warrant?



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