

Probable Cause or Not?!

Burglary of a Vehicle

A.	B.
I officer, Joe Johnson, came on scene at 20:15 hrs and saw a suspect with his arm reaching into what looked like a broken window on a Toyota sedan LP AB 1234. As I approached, the suspect grabbed a bag from inside the vehicle and ran down the street. I chased on foot and caught the suspect. I detained the suspect and identified him as Rob Rogers WM DOB 11/10/1995. In his possession was a black purse that's content included a driver's license for Amy Adams WF DOB 01/01/1988, \$200 cash, various credit cards with the name Amy Adams, and other miscellaneous items. I ran the license plate AB 1234, and the owner of the vehicle is listed as Amy Adams. I called and confirmed that Amy Adams owned the vehicle and had not given anyone permission to use her vehicle or purse...	I officer, Joe Johnson, came on scene at 20:15 hrs and saw a suspect with his arm reaching into a Toyota sedan. As I approached, the suspect grabbed a bag from inside the vehicle and left on foot. I detained the suspect and identified him as Rob Rogers WM DOB 11/10/1995.

Sec. 30.04. BURGLARY OF VEHICLES. (a) **A person commits an offense if, without the effective consent of the owner, he breaks into or enters a vehicle or any part of a vehicle with intent to commit any felony or theft.**

(b) For purposes of this section, "enter" means to intrude:

- (1) any part of the body; or
- (2) any physical object connected with the body.

(c) For purposes of this section, a container or trailer carried on a rail car is a part of the rail car.

(d) An offense under this section is a Class A misdemeanor, except that:

(1) the offense is a Class A misdemeanor with a minimum term of confinement of six months if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section;

(2) the offense is a state jail felony if:

(A) it is shown on the trial of the offense that the defendant has been previously convicted two or more times of an offense under this section; or

(B) the vehicle or part of the vehicle broken into or entered is a rail car; and

(3) the offense is a felony of the third degree if:

(A) the vehicle broken into or entered is owned or operated by a wholesale distributor of prescription drugs; and

(B) the actor breaks into or enters that vehicle with the intent to commit theft of a controlled substance.

(d-1) For the purposes of Subsection (d), a defendant has been previously convicted under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

(e) It is a defense to prosecution under this section that the actor entered a rail car or any part of a rail car and was at that time an employee or a representative of employees exercising a right under the Railway Labor Act (45 U.S.C. Section 151 et seq.).

Driving While Intoxicated with Open Container

A.	B.
...John Doe was operating a motor vehicle in a public place while intoxicated. To wit: John Doe was operating a 2000 Pontiac bearing the license plate SD 1234 on US HWY 281 while intoxicated. To wit: John Doe was in possession of 2 open bottles of corona beer. One bottle was located in the backseat on top of a 6 pack container, and another was located under the front passenger seat...	...John Doe was operating a motor vehicle in a public place while intoxicated. To wit: John Doe was John Doe was operating a 2000 Pontiac bearing the license plate SD 1234 on US HWY 281. Upon speaking with John Doe, this officer could smell the odor of metabolized alcohol. John Doe was very unstable on his feet, slurring his speech, and had red, bloodshot eyes. John Doe informed this officer that he was not on any medications. John Doe admitted to drinking 2 beers at dinner prior to getting in the car. Upon looking in his vehicle, this officer located two open bottles of corona beer. One bottle was located in the backseat on top of a 6 pack container, and another was located under the front passenger seat. John Doe refused to perform any field sobriety tests...

Sec. 49.04. DRIVING WHILE INTOXICATED. **(a) A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place.**

(b) Except as provided by Subsections (c) and (d) and Section 49.09, an offense under this section is a Class B misdemeanor, with a minimum term of confinement of 72 hours.

(c) If it is shown on the trial of an offense under this section that at the time of the offense the person operating the motor vehicle had an open container of alcohol in the person's immediate possession, the offense is a Class B misdemeanor, with a minimum term of confinement of six days.

(d) If it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a Class A misdemeanor.