

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

The State of Texas v. Manuel Rios

No. 07-24-00366-CR · No. 07-24-00366-CR · Decided December 9, 2025

SUMMARY

The Seventh Court of Appeals of Texas held that the good-faith exception under Texas Code of Criminal Procedure article 38.23(b) may apply when a cellular-phone search-warrant affidavit is sworn before an official authorized to administer oaths, but not before the judge specifically required by article 18.0215(c). The court distinguished a completely unsworn affidavit and concluded that the warrant was supported by probable cause and relied upon objectively in good faith. It reversed the trial court’s suppression order and remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Quinn, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	December 9, 2025
DOCKET	07-24-00366-CR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed the trial court's order granting Rios's motion to suppress evidence obtained from a cell-phone search warrant.
STANDARD OF REVIEW	The court reviewed the trial court's suppression ruling under the statutory good-faith exception and determined whether the undisputed facts established objective good-faith reliance on a warrant issued by a neutral magistrate based on probable cause.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; the opinion states 'Do not publish.'
PARTIES	The State of Texas v. Manuel Rios

TOPICS

- suppression of evidence
- search and seizure
- warrant requirement
- probable cause
- appellate procedure

PRACTICE AREAS

criminal procedure

search and seizure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Texas Code of Criminal Procedure article 38.23(b)'s statutory good-faith exception applies when a cell-phone search-warrant affidavit was sworn before an official authorized to administer oaths but not before the judge required by article 18.0215(c).

HOLDINGS

1. An affidavit that was actually sworn before an official generally authorized to administer oaths is not equivalent to a completely unsworn affidavit merely because article 18.0215(c) required the oath to be administered before the judge. The defect is procedural rather than foundational and does not categorically preclude application of article 38.23(b).
2. The statutory good-faith exception applies because the search involved a warrant issued by a neutral magistrate, based on probable cause, and officers objectively relied on that warrant in good faith.

KEY QUOTATIONS

“Critically, the Court emphasized that the defect in Wheeler was not “a mere procedural irregularity with respect to how the affidavit was sworn” but rather that the affidavit “was not sworn at all.” (at 4)

“We do not hold that Article 18.0215(c)’s judge-specific oath requirement is optional or that its violation is trivial.” (at 6)

“It can encompass defects in the oath supporting the warrant provided that the constitutional foundation lies intact and the officer’s reliance is objectively reasonable.” (at 6-7)

“The record shows: (1) a warrant, (2) issued by a neutral magistrate, (3) based on probable cause, and (4) objectively reasonable reliance by officers who followed standard procedures in swearing out and executing that warrant.” (at 7)

FACTUAL BACKGROUND

A Lubbock County investigator prepared an affidavit seeking a warrant to search Rios's cell phone. The investigator swore to the affidavit before a certified peace officer and supervisor, rather than before the district judge who later reviewed the affidavit, found probable cause, and signed the warrant. The officers executed the warrant believing they were authorized to search the phone, and the trial court found probable cause but suppressed the evidence because the oath had not been administered by the judge.

PROCEDURAL HISTORY

A grand jury indicted Rios on six counts of sexual assault and one count of attempted sexual assault. The trial court found probable cause for the cell-phone warrant but suppressed the resulting evidence because the supporting affidavit was sworn before a peace officer rather than before the judge as required by Texas Code of

Criminal Procedure article 18.0215(c). The State appealed, and after denying rehearing, withdrawing its prior opinion, and substituting this memorandum opinion, the court of appeals reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court's suppression order was reversed, and the case was remanded for further proceedings not inconsistent with the opinion.

CASES CITED

- Ashcraft v. State, No. 03-12-00660-CR, 2013 Tex. App. LEXIS 10402, at *16 (Tex. App.—Austin Aug. 20, 2013, no pet.) (mem. op., not designated for publication)
- Smith v. State, 207 S.W.3d 787, 790 (Tex. Crim. App. 2006)
- Wheeler v. State, 616 S.W.3d 858, 866-67 (Tex. Crim. App. 2021)
- McClintock v. State, 541 S.W.3d 63, 73 (Tex. Crim. App. 2017)
- State v. Arellano, 600 S.W.3d 53, 60-61 (Tex. Crim. App. 2020)
- Dunn v. State, 951 S.W.2d 478, 479 (Tex. Crim. App. 1997)
- Flores v. State, 367 S.W.3d 697, 702-03 (Tex. App.—Houston [14th Dist.] 2012, pet. ref'd)
- Rodriguez v. State, 232 S.W.3d 55, 59 (Tex. Crim. App. 2007)
- Riley v. California, 573 U.S. 373 (2014)

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