

TEXAS COURT OF APPEALS, THIRD DISTRICT, AUSTIN

Brandy Dawn Todd v. The State of Texas

No. 03-24-00659-CR (Tex. App.—Austin May 21, 2026) (mem. op.) · No. 03-24-00659-CR · Decided May 21, 2026

SUMMARY

The Texas Court of Appeals, Third District, affirmed Brandy Dawn Todd’s conviction for possession with intent to deliver methamphetamine. The court held that the trooper had reasonable suspicion, based on the totality of the circumstances, to prolong the traffic stop for a narcotics investigation and that the trial court properly denied Todd’s motion to suppress.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, Austin
WRITING FOR THE COURT	Rosa Lopez Theofanis; Justices Triana; Justice Kelly; Justice Theofanis
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	May 21, 2026
DOCKET	03-24-00659-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Todd appealed her conviction after the trial court denied her motion to suppress evidence obtained during a traffic stop. She pleaded guilty, a jury assessed punishment, and the trial court sentenced her to twelve years' imprisonment and imposed a \$10,000 fine.
STANDARD OF REVIEW	A ruling on a motion to suppress is reviewed for abuse of discretion. Historical facts, especially credibility- and demeanor-based findings, receive almost total deference, while the application of law is generally reviewed de novo. When explicit findings exist, the appellate court views the evidence in the light most favorable to the ruling and determines whether the evidence supports those findings.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; do not publish.
PARTIES	Brandy Dawn Todd v. The State of Texas

TOPICS

suppression of evidence

fourth amendment

search and seizure

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Todd's motion to suppress because the troopers unlawfully prolonged the traffic stop to investigate suspected narcotics activity without reasonable suspicion.

HOLDINGS

1. The trial court did not abuse its discretion in denying the motion to suppress because, before the traffic stop was completed, the trooper had reasonable suspicion—based on the totality of the circumstances—to prolong the detention and investigate narcotics activity.

KEY QUOTATIONS

“Based on the totality of the circumstances, the trial court could have reasonably determined that Trooper Morante articulated an objective basis—not merely a “hunch”—based on multiple factors for his reasonable suspicion that led him to prolong the detention from a traffic stop to a narcotics investigation.” (8-9)

FACTUAL BACKGROUND

At approximately 11 p.m., Texas troopers stopped Todd after observing her driving 82 miles per hour in a 75-mile-per-hour zone. During the stop, a trooper observed Todd's sluggish movements and an open glass bottle containing numerous syringes, some apparently containing clear liquid, beneath her feet; a records check also revealed recent drug-related arrests. Todd declined consent to search the vehicle, and while officers waited for a drug-detection dog, she disclosed that marijuana was in the vehicle. A probable-cause search uncovered methamphetamine-containing syringes and other drug-related items, and officers also found approximately 204 grams of methamphetamine on Todd's person.

PROCEDURAL HISTORY

Todd was charged with possession with intent to deliver four grams or more and fewer than two hundred grams of methamphetamine. The trial court denied her pretrial motion to suppress, after which she pleaded guilty. Following a two-day punishment trial, the trial court sentenced her to twelve years' confinement and a \$10,000 fine, entered findings of fact and conclusions of law, and Todd appealed. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Arguellez v. State, 409 S.W.3d 657, 662 (Tex. Crim. App. 2013)
- State v. Story, 445 S.W.3d 729, 732 (Tex. Crim. App. 2014)
- State v. Dixon, 206 S.W.3d 587, 590 (Tex. Crim. App. 2006)
- State v. Le, 463 S.W.3d 872, 876 (Tex. Crim. App. 2015)
- Crain v. State, 315 S.W.3d 43, 48 (Tex. Crim. App. 2010)
- State v. Garcia, 569 S.W.3d 142, 153 (Tex. Crim. App. 2018)
- United States v. Arvizu, 534 U.S. 266, 273 (2002)
- Terry v. Ohio, 392 U.S. 1, 9 (1968)
- United States v. Sokolow, 490 U.S. 1, 7 (1989)
- Ramirez-Tamayo v. State, 537 S.W.3d 29, 36, 38-39 (Tex. Crim. App. 2017)
- Rodriguez v. United States, 575 U.S. 348, 350-51 (2015)
- State v. Hardin, 664 S.W.3d 867, 872 (Tex. Crim. App. 2022)
- Ford v. State, 158 S.W.3d 488, 492-93 (Tex. Crim. App. 2005)
- Ornelas v. United States, 517 U.S. 690, 699 (1996)
- Wade v. State, 422 S.W.3d 661, 668 (Tex. Crim. App. 2013)
- Lall v. State, 686 S.W.3d 766, 768 (Tex. Crim. App. 2024)
- Derichsweiler v. State, 348 S.W.3d 906, 914, 917 (Tex. Crim. App. 2011)
- Leming v. State, 493 S.W.3d 552, 565 (Tex. Crim. App. 2016)
- Sims v. State, 569 S.W.3d 634, 640 (Tex. Crim. App. 2019)
- Lerma v. State, 543 S.W.3d 184, 194 (Tex. Crim. App. 2018)