

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,
CORPUS CHRISTI–EDINBURG

Richard Ford v. The State of Texas

No. 13-24-00168-CR (Tex. App.—Corpus Christi–Edinburg Jan. 29, 2026) (mem. op.) · No. No. 13-24-00168-CR · Decided January 29, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas affirmed Richard Ford’s conviction for capital murder and sentence of life imprisonment without parole. The court held that law enforcement’s use of public traffic-camera footage, real-time rental-vehicle GPS data, and seizure of a pickup truck did not warrant suppression of the evidence. The court also held that Ford was not entitled to a lesser-included-offense instruction on kidnapping.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jon West; Chief Justice Tijerina; Justice Peña; Justice West
JURISDICTION	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
DECIDED	January 29, 2026
DOCKET	No. 13-24-00168-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ford appealed his conviction for capital murder after the trial court denied motions to suppress evidence and denied his request for a lesser-included-offense instruction on kidnapping.
STANDARD OF REVIEW	Suppression rulings are reviewed under a bifurcated standard: the appellate court gives almost total deference to findings of historical fact and credibility-dependent mixed questions, but reviews legal questions and applications of law to undisputed facts de novo. The court sustains a ruling if it is correct under any applicable legal theory supported by the record. A lesser-included-offense instruction is warranted only when the requested offense is legally included and some evidence would permit a rational finding that the defendant is guilty only of the lesser offense.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Richard Ford v. The State of Texas

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QUESTIONS PRESENTED

1. Whether the warrantless use of the City of McAllen's Milestone surveillance system to identify and trace the rental vehicle violated the Fourth Amendment or the Texas Constitution.
2. Whether Avis's disclosure of the rental vehicle's real-time GPS location to police violated Ford's rights under the Fourth Amendment.
3. Whether the warrantless seizure and subsequent search of Ford's Ford F-150 violated the Fourth Amendment and required suppression of the seized evidence.
4. Whether Ford was entitled to a jury instruction on kidnapping as a lesser-included offense of capital murder.

HOLDINGS

1. Ford had no legitimate expectation of privacy in the rental vehicle's license plate or in the vehicle's presence at particular public locations recorded by city traffic cameras for a single day. The warrantless use of the Milestone system therefore was not a search protected by the Fourth Amendment.
2. Even assuming Ford had a legitimate privacy interest in the vehicle's public location, exigent circumstances justified the warrantless acquisition of the Milestone and Avis GPS information.
3. The trial court properly denied suppression because Ford did not challenge the finding that he lacked standing to contest the seizure of the truck, and any error was harmless beyond a reasonable doubt and did not affect his substantial rights.
4. Ford was not entitled to a kidnapping instruction because, although kidnapping is a lesser-included offense of capital murder under the charged theory, the evidence did not permit the jury to rationally find that he was guilty only of kidnapping.

KEY QUOTATIONS

“We hold that appellant did not have a legitimate expectation of privacy in the location of the Avis rental vehicle because the license plate and vehicle were in public view, the Milestone system did not track his personal location continuously, and officers used Milestone to document the rental vehicle’s presence at specific locations throughout McAllen for a single day.” (at 7)

“Circumstantial evidence is as probative as direct evidence in establishing the guilt of an actor, and circumstantial evidence alone can be sufficient to establish guilt.” (at 12)

FACTUAL BACKGROUND

Police received surveillance video showing Ford forcefully placing his ex-wife, Melissa Banda, into a rental vehicle after she arrived at her residence. Officers used the City of McAllen's Milestone traffic-camera system to identify and trace the vehicle, obtained its real-time location from Avis under claimed exigent circumstances, and located Ford; blood on the vehicle contained Banda's DNA. Officers later found Banda's body at a rural location associated with the vehicle's GPS history, and the State presented evidence that Ford had purchased a knife, zip ties, duct tape, and other supplies before the abduction and murder.

PROCEDURAL HISTORY

Ford was indicted on capital murder and three other offenses. Before trial, he moved to sever the counts, and the State proceeded on the capital-murder count; after the jury returned a guilty verdict, the State dismissed the remaining counts and the trial court sentenced Ford to life imprisonment without parole. The court of appeals affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Arellano, 600 S.W.3d 53 (Tex. Crim. App. 2020)
- Wiede v. State, 214 S.W.3d 17 (Tex. Crim. App. 2007)
- Maxwell v. State, 73 S.W.3d 278 (Tex. Crim. App. 2002)
- State v. Ruiz, 581 S.W.3d 782 (Tex. Crim. App. 2019)
- Katz v. United States, 389 U.S. 347 (1967)
- State v. Granville, 423 S.W.3d 399 (Tex. Crim. App. 2014)
- Smith v. Maryland, 442 U.S. 735 (1979)
- Kothe v. State, 152 S.W.3d 54 (Tex. Crim. App. 2004)
- Carpenter v. United States, Carpenter v. United States, 585 U.S. 296 (2018)
- Sims v. State, 569 S.W.3d 634 (Tex. Crim. App. 2019)
- Uhunmwangho v. State, No. 09-19-00119-CR, 2020 WL 1442640, at *6 (Tex. App.—Beaumont Mar. 25, 2020, no pet.) (mem. op., not designated for publication)
- United States v. Yang, No. 2:16-CR-231-RFB, 2018 WL 576827, at *6 (D. Nev. Jan. 25, 2018), aff'd, 958 F.3d 851 (9th Cir. 2020)
- Kentucky v. King, 563 U.S. 452 (2011)
- Mincey v. Arizona, 437 U.S. 385 (1978)
- State v. Ruiz, 622 S.W.3d 549 (Tex. App.—Corpus Christi—Edinburg 2021, no pet.)

- Weems v. State, 493 S.W.3d 574 (Tex. Crim. App. 2016)
- State v. Martinez, No. 13-14-00117-CR, 2015 WL 1957087, at *7 (Tex. App.—Corpus Christi—Edinburg Apr. 30, 2015, no pet.) (mem. op., not designated for publication)
- Odom v. State, 200 S.W.3d 333 (Tex. App.—Corpus Christi—Edinburg 2006, no pet.)
- Lloyd v. State, 453 S.W.3d 544 (Tex. App.—Dallas 2014, pet. ref'd)
- Hughes v. State, 897 S.W.2d 285 (Tex. Crim. App. 1994)
- Matthews v. State, 165 S.W.3d 104 (Tex. App.—Fort Worth 2005, no pet.)
- LopezGamez v. State, 622 S.W.3d 445 (Tex. App.—Fort Worth 2020, pet. ref'd)
- Ransier v. State, 670 S.W.3d 646 (Tex. Crim. App. 2023)
- Wade v. State, 663 S.W.3d 175 (Tex. Crim. App. 2022)
- Hall v. State, 225 S.W.3d 524 (Tex. Crim. App. 2007)
- Hooper v. State, 214 S.W.3d 9 (Tex. Crim. App. 2007)

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