

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Cody Bently v. the State of Texas

No. 07-25-00365-CR · No. No. 07-25-00365-CR · Decided March 17, 2026

SUMMARY

The Seventh Court of Appeals of Texas at Amarillo affirmed Cody Bently’s conviction for driving while intoxicated after the trial court denied his motion to suppress. The court held that the officer had reasonable suspicion to stop Bently based on his repeated departures from his lane, the applicable lane-use statute, and circumstances indicating the driving was unsafe.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	March 17, 2026
DOCKET	No. 07-25-00365-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a conviction for driving while intoxicated following a plea agreement, with the defendant preserving his right to appeal the denial of his motion to suppress.
STANDARD OF REVIEW	A motion-to-suppress ruling is reviewed under a bifurcated standard. The appellate court gives almost total deference to supported findings of historical fact, credibility, and mixed questions turning on credibility or demeanor, but reviews de novo the trial court's application of law to the facts. The ruling is sustained if reasonably supported by the record and correct under any applicable legal theory.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Cody Bently v. The State of Texas

TOPICS

- suppression of evidence
- search and seizure
- fourth amendment
- standard of review
- appellate procedure

PRACTICE AREAS

criminal procedure

DWI/DUI

Fourth Amendment suppression

QUESTIONS PRESENTED

1. Whether Transportation Code section 545.060(a) applied despite the roadway's unclear lane markings.
2. Whether the officer's mistaken interpretation of section 545.060(a) defeated reasonable suspicion for the traffic stop.
3. Whether Bently's lane departures were unsafe and therefore supplied specific, articulable facts supporting reasonable suspicion.
4. Whether any suppression error was harmful.

HOLDINGS

1. Section 545.060(a) applied because, although the roadway and center line were not well maintained or particularly clear, the footage and other vehicles' behavior showed sufficient lane markers for an attentive driver to recognize that the road had two lanes.
2. The officer's mistaken interpretation of section 545.060(a) did not negate reasonable suspicion because an actual traffic violation need not have occurred when the officer reasonably suspected that one had occurred.
3. The officer had reasonable suspicion to stop Bently because the video and testimony established specific, articulable facts from which she could reasonably conclude that his departures from the lane were unsafe.

KEY QUOTATIONS

"The Fourth Amendment tolerates reasonable mistakes," (5)

"The fundamental truth of the matter is that swerving into the lane of oncoming traffic is unsafe. Period. Full stop." (6)

FACTUAL BACKGROUND

A Fort Worth police officer stopped Cody Bently after observing him leave his lane of traffic on more than one occasion while driving up a hill where oncoming traffic was not clearly visible. Dashboard-camera footage showed a poorly maintained road with unclear but intermittently visible lane markings, Bently drifting into the oncoming lane, a following vehicle braking several times, and headlights from an approaching vehicle. The trial court found that the roadway had sufficient lane markers for an attentive driver to recognize it as a two-lane road and that Bently's swerving into oncoming traffic was unsafe.

PROCEDURAL HISTORY

A Fort Worth police officer stopped Bently after observing him leave his lane more than once. Bently moved to suppress the evidence, arguing that the officer lacked reasonable suspicion because the lane departure was not

unsafe and the roadway lacked clearly marked lanes. The trial court denied the motion, Bently pleaded guilty under a plea agreement while preserving the suppression issue, and the court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Hardin, 664 S.W.3d 867 (Tex. Crim. App. 2022)
- Hauer v. State, 466 S.W.3d 886 (Tex. App.—Houston [14th Dist.] 2015, no pet.)
- State v. Cullen, 195 S.W.3d 696 (Tex. Crim. App. 2006)
- Flores v. State, 177 S.W.3d 8 (Tex. App.—Houston [1st Dist.] 2005, pet. ref'd)
- Castro v. State, 227 S.W.3d 737 (Tex. Crim. App. 2007)
- Adams v. State, No. 02-24-00249-CR, 2025 Tex. App. LEXIS 3903 (Tex. App.—Fort Worth June 5, 2025, pet. ref'd) (mem. op., not designated for publication)
- Daniel v. State, 683 S.W.3d 777 (Tex. Crim. App. 2024)
- Dugar v. State, 629 S.W.3d 494 (Tex. App.—Beaumont 2021, pet. ref'd)
- Rivera v. State, No. 07-24-00373-CR, 2025 Tex. App. LEXIS 6548 (Tex. App.—Amarillo Aug. 25, 2025, no pet.) (mem. op., not designated for publication)