

TEXAS COURT OF CRIMINAL APPEALS

Thomas Andrew Evans, II v. The State of Texas

Evans · No. PD-0418-15 · Decided April 16, 2015

SUMMARY

This document is the State of Texas’s petition for discretionary review in Thomas Andrew Evans II v. State, filed in the Texas Court of Criminal Appeals. The State challenges the Fourteenth Court of Appeals’ reversal of the denial of a motion to suppress evidence from a warrantless, nonconsensual blood draw following an automobile accident. The petition argues that the blood draw was permissible under the Fourth Amendment, the special-needs doctrine, and Texas statutory and exclusionary-law principles.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	April 16, 2015
DOCKET	PD-0418-15
DISPOSITION	other
PROCEDURAL POSTURE	The State filed a petition for discretionary review challenging the Fourteenth Court of Appeals' reversal of the trial court's denial of Evans's motion to suppress an involuntary blood draw.
PRECEDENTIAL VALUE	Not applicable to the petition itself; the document is not a court opinion or merits disposition.
PARTIES	Thomas Andrew Evans, II v. The State of Texas

TOPICS

[search and seizure](#)[fourth amendment](#)[suppression of evidence](#)[writ of certiorari](#)[appellate procedure](#)

PRACTICE AREAS

[criminal procedure](#)[constitutional criminal procedure](#)[appellate procedure](#)[evidence](#)

QUESTIONS PRESENTED

1. Whether the Fourteenth Court of Appeals erred in holding that the mandatory warrantless blood draw could not be reasonable under the Fourth Amendment when Evans withdrew his implied consent.

2. Whether the warrantless blood draw could be justified under the special-needs doctrine.
3. Whether Article 38.23 of the Texas Code of Criminal Procedure required exclusion of the blood-draw evidence when officers relied on then-existing case law interpreting Chapter 724 of the Texas Transportation Code.

KEY QUOTATIONS

“Did the Fourteenth Court of Appeals err in holding that there is no way in which the mandatory blood draw taken in this case was reasonable under the Fourth Amendment to the United States Constitution, in reliance on this Court’s opinion in State v. Villarreal?” (5)

FACTUAL BACKGROUND

Evans drove a Toyota Tundra through an intersection and struck a Chevrolet Traverse, causing it to overturn and injuring its occupants. A responding trooper observed signs of intoxication, including an odor of alcohol, red and glassy eyes, and slurred speech; Evans admitted drinking two or three beers. Evans refused field-sobriety testing and a blood sample, but the trooper obtained a blood sample over his objection pursuant to Texas Transportation Code section 724.012(b)(1)(C).

PROCEDURAL HISTORY

Evans was charged after a vehicle collision and filed a motion to suppress evidence from a warrantless blood draw taken over his objection under Texas Transportation Code section 724.012(b)(1)(C). The trial court denied suppression, and Evans entered a plea bargain while retaining the right to appeal the ruling. The Fourteenth Court of Appeals reversed and remanded, holding that implied consent could not justify the warrantless draw after Evans withdrew consent. The State sought rehearing and en banc reconsideration, both of which were denied, and then petitioned the Texas Court of Criminal Appeals for discretionary review.

DISPOSITION

other

CASES CITED

- Beeman v. State, 86 S.W.3d 613, 616 (Tex. Crim. App. 2002)
- Douds v. State, 434 S.W.3d 842 (Tex. App.—Houston [14th Dist.] 2014, pet. granted Sep. 17, 2014)
- Douds v. State, No. 14-12-00642-CR, 2013 WL 5629818 (Tex. App.—Houston [14th Dist.] Oct. 15, 2013)
- Evans v. State, No. 14-13-00642, 2015 WL 545702, at *8 (Tex. App.—Houston [14th Dist.] Feb. 10, 2015)
- Griffin v. Wisconsin, 483 U.S. 868, 873 (1987)
- Maryland v. King, 133 S. Ct. 1958, 1980 (2013)
- Skinner v. Railway Labor Executives' Association, 489 U.S. 602, 620-21 (1989)
- State v. Villarreal, No. PD-0306-14, 2014 WL 6734178 (Tex. Crim. App. Nov. 26, 2014)

