

COURT OF CRIMINAL APPEALS OF TEXAS

Aaron v. State

163 Tex. Crim. 635 (1956) (Court of Criminal Appeals of Texas 1956) · No. No. 28522 · Decided November 28, 1956

SUMMARY

The Texas Court of Criminal Appeals affirmed Charles Lewis Aaron's conviction for unlawful possession of heroin, enhanced by two prior felony convictions, with a life sentence. The court held that the warrantless arrest was authorized because officers observed Aaron driving while intoxicated and engaging in public drunkenness, making the ensuing search of his person lawful; it also held that evidence of additional items found during the search was admissible.

CASE DETAILS

COURT	Court of Criminal Appeals of Texas
WRITING FOR THE COURT	Commissioner Dice
JURISDICTION	Texas
DECIDED	November 28, 1956
DOCKET	No. 28522
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a criminal conviction for unlawful possession of a narcotic drug, enhanced by two prior felony convictions.
STANDARD OF REVIEW	The court reviewed the legality of the arrest and search and whether evidentiary rulings constituted reversible error; it also reviewed whether the evidence was sufficient to support the conviction.
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Criminal Appeals of Texas.
PARTIES	Charles Lewis Aaron v. The State of Texas

TOPICS

- search and seizure
- warrant requirement
- suppression of evidence
- criminal procedure
- evidence

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence

QUESTIONS PRESENTED

1. Whether the officers lawfully arrested Aaron without an arrest warrant or search warrant based on their observation that he was intoxicated while driving on a public street.
2. Whether the warrantless search of Aaron's person was lawful as incident to a valid arrest.
3. Whether evidence of additional pills, capsules, and drug paraphernalia found during the search was admissible even though those items were not alleged in the indictment.
4. Whether the remaining claims reflected reversible error and whether the evidence was sufficient to support the conviction.

HOLDINGS

1. The officers' observations that Aaron was intoxicated and driving on a public street sufficiently authorized his warrantless arrest under Article 803 of the Texas Penal Code.
2. The arrest was independently authorized under Article 212 of the Texas Code of Criminal Procedure because drunkenness in a public place constituted an offense against the public peace committed in the officers' presence or view.
3. Because Aaron's arrest was lawful, the search of his person conducted incident to that arrest was lawful without a warrant.
4. Evidence of the additional pills, capsules, hypodermic needle, syringe, and spoon was admissible because the items were discovered during the original lawful search of Aaron's person.

KEY QUOTATIONS

"The arrest of appellant being lawful, the incident search of his person without a warrant was lawful." (296 S.W.2d at 266)

"The finding of the other articles on the appellant's person was a part of the original search and proof thereof was admissible." (296 S.W.2d at 266)

FACTUAL BACKGROUND

Police officers observed Aaron stagger toward his automobile, nearly hit another vehicle while driving away from the curb, and exhibit nearly closed eyes and incoherent speech. Believing him to be intoxicated, the officers arrested and searched him without a warrant, finding three capsules containing heroin in his shirt pocket and additional pills, capsules, and drug paraphernalia in his pants pocket. Aaron denied possessing the items and claimed the officers falsely accused him because he had testified against police officers in federal court.

PROCEDURAL HISTORY

Aaron was convicted of unlawfully possessing heroin, with two prior felony convictions alleged and stipulated for sentence enhancement. He challenged the admission of evidence obtained during a warrantless arrest and search, as well as the admission of other items found during that search. The Court of Criminal Appeals held that the arrest and search were lawful, rejected the remaining contentions, and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Eddins v. State, 155 Tex. Crim. R. 202, 232 S.W.2d 676
- Hurley v. State, 155 Tex. Crim. 315, 234 S.W.2d 1006
- Cook v. State, 155 Tex. Crim. 580, 238 S.W.2d 200
- Morgan v. State, 159 Tex. Crim. 231, 262 S.W.2d 713
- Rent v. State, 160 Tex. Crim. 326, 268 S.W.2d 674
- McEathron v. State, Tex. Crim. App., 294 S.W.2d 822
- Shuffield v. State, Tex. Crim. App., 20 S.W.2d 1057
- Brown v. State, 159 Tex. Crim. 306, 263 S.W.2d 261

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