

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Jose Chavez v. The State of Texas

No. 07-25-00222-CR · No. No. 07-25-00222-CR · Decided December 30, 2025

SUMMARY

The Seventh Court of Appeals of Texas affirmed Jose Chavez’s conviction for felony driving while intoxicated following a guilty plea. The court held that the totality of the circumstances, including Chavez’s admission that he moved the vehicle and evidence of intoxication, supported probable cause for his arrest and did not require suppression of the blood-test results.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Brian Quinn, Chief Justice; Doss, Justice; Yarbrough, Justice
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	December 30, 2025
DOCKET	No. 07-25-00222-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a conviction for felony driving while intoxicated following a guilty plea, challenging the denial of a motion to suppress blood-test results.
PRECEDENTIAL VALUE	Nonprecedential; memorandum opinion marked do not publish.
PARTIES	Jose Chavez v. The State of Texas

TOPICS

- suppression of evidence
- probable cause
- criminal procedure
- evidence
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- DWI

QUESTIONS PRESENTED

1. Whether the trial court erred in denying Chavez’s motion to suppress blood-test results because the arrest allegedly lacked probable cause.

2. Whether the circumstances, including Chavez's admission that he moved the vehicle while intoxicated, established that he operated a motor vehicle for purposes of the Texas driving-while-intoxicated statute.

HOLDINGS

1. The totality of the circumstances provided a reasonable person with probable cause to believe that Chavez operated a motor vehicle while intoxicated and committed the offense of driving while intoxicated.

KEY QUOTATIONS

“Next, a person commits the offense of driving while intoxicated if he “is intoxicated while operating a motor vehicle in a public place.”” (at 1)

“Furthermore, one operates a vehicle when the totality of the circumstances demonstrates “that the defendant took action to affect the functioning of his vehicle in a manner that would enable the vehicle’s use.”” (at 1-2)

“The totality of circumstances at bar provided a reasonable person to believe appellant “operated” the GMC pickup while intoxicated; that is, he committed the crime of driving while intoxicated.” (at 2)

FACTUAL BACKGROUND

Chavez was investigated and arrested for driving while intoxicated. He told police that another person was responsible for making him drive forward, thereby admitting that he moved the vehicle, and he acknowledged that the evidence supported his intoxication. The trial court denied suppression of the blood-test results, and Chavez challenged the existence of probable cause to arrest.

PROCEDURAL HISTORY

Chavez pleaded guilty to felony driving while intoxicated in the 364th District Court of Lubbock County. The trial court denied his motion to suppress blood-test results, and Chavez appealed that ruling, arguing that his arrest lacked probable cause because he did not operate a motor vehicle.

DISPOSITION

affirmed

CASES CITED

- Denton v. State, 911 S.W.2d 388, 389-90 (Tex. Crim. App. 1995)
- State v. Espinosa, 666 S.W.3d 659, 668-69 (Tex. Crim. App. 2023)
- Quinones v. State, 325 S.W.3d 801, 803 (Tex. App.—Amarillo 2010, no pet.)

OPINION

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-25-00222-CR JOSE CHAVEZ, APPELLANT V. THE STATE OF TEXAS, APPELLEE On Appeal from the 364th District Court Lubbock County, Texas Trial Court No. DC-2024-CR-1189, Honorable William R. Eichman II, Presiding December 30, 2025 MEMORANDUM OPINION Before QUINN, C.J., and DOSS and YARBROUGH, JJ. Often, answers to appellate questions are best described with: “It don’t come easy... you know it don’t come easy.” 1 Appellant’s own words to the police facilitated the disposition of this one, however.

Jose Chavez appeals from his conviction, following a guilty plea, for the felony offense of driving while intoxicated. Through his sole issue, he contends that the trial 1 RINGO STARR, It Don’t Come Easy (Apple Records, 1971). court erred in denying his motion to suppress blood test results.

The reason proffered... the absence of probable cause to support his arrest. And, why was there no probable cause, according to appellant; he “did not ‘operate’ a motor vehicle.” We affirm. These statements appear in the appellant’s brief: 1) “the probable cause for the arrest of Appellant did not rise to the level of a Driving While Intoxicated, but instead rose to a level of public intoxication” and 2) “[w]hile playing the body camera portion of Detective McPherson, the State highlighted the portion of the body camera video where Appellant pointed to the manager and stated ‘He’s the one that made me drive forward.’” That appellant made the latter admission is supported by the record.

Next, a person commits the offense of driving while intoxicated if he “is intoxicated while operating a motor vehicle in a public place.” TEX. PENAL CODE § 49.04(a). Furthermore, one operates a vehicle when the totality of the circumstances demonstrates “that the defendant took action to affect the functioning of his vehicle in a manner that would enable the vehicle’s use.” See *Denton v. State*, 911 S.W.2d 388, 389 (Tex.

Crim. App. 1995); *State v. Espinosa*, 666 S.W.3d 659, 668-69 (Tex. Crim. App. 2023) (same). In *Denton*, that definition was met via evidence of appellant’s starting and “revving” the pickup. *Denton*, 911 S.W.2d at 390. With that we return to our opening observation. Appellant having both admitted to moving the vehicle and acknowledging the presence of sufficient evidence indicative of his intoxication, he made our resolution of the issue easy.

The totality of circumstances at bar provided a reasonable person to believe appellant “operated” the GMC pickup while intoxicated; that is, he committed the crime of driving while intoxicated. *Quinones v. State*, 325 S.W.3d 801, 803 (Tex. App.— Amarillo 2010, no pet.) (stating that an officer has probable cause to arrest when facts 2 and circumstances within the knowledge of the officer would authorize a reasonably prudent person to believe that the suspect committed or is committing a crime).

We overrule the issue and affirm the judgment. Brian Quinn Chief Justice Do not publish. 3

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