

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Robert Aaron Rosales v. The State of Texas

Rosales v. State · No. 01-23-00876-CR; 01-23-00877-CR · Decided November 25, 2025

SUMMARY

The First Court of Appeals of Texas affirmed the trial court’s denial of Robert Aaron Rosales’s motion to suppress evidence obtained from his Dropbox account. The court held that Dropbox was a private party rather than a government agent, that law enforcement did not exceed the scope of Dropbox’s private review before obtaining a warrant, and that probable cause supported the warrant after excision of statements challenged under *Franks v. Delaware*.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Jennifer Caughey; Gunn; Caughey; Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	November 25, 2025
DOCKET	01-23-00876-CR; 01-23-00877-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rosales appealed from judgments of conviction entered after he pleaded guilty to two charges of possessing child pornography. He challenged the denial of his motion to suppress evidence obtained from his Dropbox account.
STANDARD OF REVIEW	A motion-to-suppress ruling is reviewed under a bifurcated standard: the appellate court affords almost total deference to historical-fact findings and credibility determinations, views the evidence in the light most favorable to express findings, and reviews the application of law to facts de novo. The ruling is upheld if reasonably supported by the record and correct under any applicable legal theory.
PRECEDENTIAL VALUE	Published
PARTIES	Robert Aaron Rosales v. The State of Texas

TOPICS

- fourth amendment
- search and seizure
- suppression of evidence
- warrant requirement
- probable cause

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Dropbox acted as a government agent when it reviewed and reported files containing suspected child pornography.
2. Whether law enforcement exceeded the scope of Dropbox's private search by viewing the files before obtaining a warrant.
3. Whether the warrant affidavit established probable cause after three allegedly false statements were excised under *Franks v. Delaware*, including whether the remaining information was stale.

HOLDINGS

1. Dropbox was a private party rather than a government agent, so its review of Rosales's files did not constitute a Fourth Amendment search.
2. Officer Wilson's pre-warrant review did not exceed the scope of Dropbox's private search because he viewed only the same files whose entire contents Dropbox had already viewed.
3. The warrant affidavit established probable cause even after the three challenged statements were excised, and the information was not stale.

KEY QUOTATIONS

"Applying the law to this record, however, Dropbox was a private party. Its review of the files fell under the private search doctrine and caused no Fourth Amendment intrusion." (2)

"The record shows that Dropbox viewed the entire contents of each of the nine files at issue. On this record, Officer Wilson's review of those same nine files did not exceed Dropbox's private review." (23)

"Considering the totality of the remaining facts in Officer Wilson's search warrant affidavit, we conclude that the facts were not stale, and the affidavit demonstrated the existence of probable cause with the Franks statements excised." (36)

FACTUAL BACKGROUND

Rosales uploaded digital files containing apparent child pornography to Dropbox. Dropbox viewed the entire contents of nine files, reported them to NCMEC, and provided identifying information and the files to NCMEC, which referred the matter to HPD. Before obtaining a warrant, an HPD officer viewed the same files Dropbox had viewed; HPD then obtained a warrant for the entirety of Rosales's Dropbox account. The warrant affidavit contained three statements later excised under *Franks*, but the trial court found that the remaining affidavit established probable cause.

PROCEDURAL HISTORY

Dropbox reported apparent child pornography in Rosales's account to NCMEC, which notified local law enforcement. HPD obtained a warrant to search Rosales's entire Dropbox account, and the trial court denied

Rosales's motion to suppress after finding that Dropbox was a private party, that law enforcement did not exceed the scope of Dropbox's review, and that probable cause supported the warrant after excision of three statements under *Franks v. Delaware*. Rosales pleaded guilty to two charges in exchange for dismissal of three others and appealed. A prior panel opinion was withdrawn, and a new panel issued this opinion affirming the judgments.

DISPOSITION

affirmed

CASES CITED

- *State v. Pettit*, 713 S.W.3d 834, 839 (Tex. Crim. App. 2025)
- *Valtierra v. State*, 310 S.W.3d 442, 447 (Tex. Crim. App. 2010)
- *State v. Ruiz*, 577 S.W.3d 543, 545-47 (Tex. Crim. App. 2019)
- *Burdeau v. McDowell*, 256 U.S. 465, 475 (1921)
- *Walter v. United States*, 447 U.S. 649, 656 (1980)
- *United States v. Jacobsen*, 466 U.S. 109, 115-20 (1984)
- *Brackens v. State*, 312 S.W.3d 831, 837 (Tex. App.—Houston [1st Dist.] 2009, pet. ref'd)
- *Cobb v. State*, 85 S.W.3d 258, 270-71 (Tex. Crim. App. 2002)
- *Burwell v. State*, 576 S.W.3d 826, 831-32 (Tex. App.—Houston [1st Dist.] 2019, pet. ref'd)
- *United States v. Miller*, 982 F.3d 412, 420-31 (6th Cir. 2020)
- *United States v. Meals*, 21 F.4th 903, 906-08 (5th Cir.)
- *United States v. Ringland*, 966 F.3d 731, 736 (8th Cir. 2020)
- *United States v. Reddick*, 900 F.3d 636, 638 n.1 (5th Cir. 2018)
- *Franks v. Delaware*, 438 U.S. 154, 155-56, 171-72 (1978)
- *Hyland v. State*, 574 S.W.3d 904, 907 n.4, 910-11 (Tex. Crim. App. 2019)
- *Illinois v. Gates*, 462 U.S. 213, 238 (1983)
- *Harris v. State*, 227 S.W.3d 83, 85 (Tex. Crim. App. 2007)
- *Diaz v. State*, 632 S.W.3d 889, 892 (Tex. Crim. App. 2021)
- *Crider v. State*, 352 S.W.3d 704, 707-08 (Tex. Crim. App. 2011)
- *Veal v. State*, 682 S.W.3d 577, 582-83 (Tex. App.—Houston [1st Dist.] 2023, pet. ref'd)
- *Bordelon v. State*, 673 S.W.3d 775, 787-92 (Tex. App.—Dallas 2023, no pet.)
- *Ex Parte Jones*, 473 S.W.3d 850, 856-57 (Tex. App.—Houston [14th Dist.] 2015, pet. ref'd)
- *Steele v. State*, 355 S.W.3d 746, 750-52 (Tex. App.—Houston [1st Dist.] 2011, pet. ref'd)
- *McKissick v. State*, 209 S.W.3d 205, 214-15 (Tex. App.—Houston [1st Dist.] 2006, pet. ref'd)

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