

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Robert Corey Hildebrandt v. The State of Texas

Hildebrandt · No. 03-24-00495-CR · Decided June 25, 2026

SUMMARY

The Texas Court of Appeals, Third District, affirmed the conviction of Robert Corey Hildebrandt for felony driving while intoxicated. The court held that the trial court did not abuse its discretion in denying Hildebrandt’s motion to suppress evidence from a blood draw conducted pursuant to a search warrant. The court concluded that the draw, including the use of restraints and the procedures employed by the certified technician, was reasonable under the Fourth Amendment.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Gisela D. Triana; Theofanis, Justice; Crump, Justice
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	June 25, 2026
DOCKET	03-24-00495-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hildebrandt pleaded guilty to felony driving while intoxicated, third or more, pursuant to a plea agreement. He appealed the denial of his pretrial motion to suppress evidence obtained from a warrant-authorized blood draw.
STANDARD OF REVIEW	A ruling on a motion to suppress is reviewed for abuse of discretion. The appellate court views the record in the light most favorable to the trial court's ruling and reverses only if the ruling is outside the zone of reasonable disagreement. Historical facts receive almost total deference, while the trial court's application of law is reviewed de novo; video evidence is viewed in the light most favorable to the ruling, except that indisputable visual evidence is reviewed de novo.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert Corey Hildebrandt v. The State of Texas

TOPICS

suppression of evidence

fourth amendment

search and seizure

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the warrant-authorized blood draw was conducted by reasonable means and procedures under the Fourth Amendment.
2. Whether restraining Hildebrandt in a restraint chair during the blood draw rendered the search unreasonable.
3. Whether alleged departures from accepted medical practices, including the technician's shaking hand, tourniquet use, handling of the test kit, and loss of secondary video footage, required suppression.

HOLDINGS

1. The blood draw was not an unreasonable search or seizure because it was conducted pursuant to a valid warrant by a qualified technician in a safe and sanitary location using accepted medical procedures.
2. The use of a restraint chair was not unreasonable because Hildebrandt refused the blood draw, stated that officers would have to tie him down, and the trial court found that restraint was necessary to obtain a blood sample.
3. The alleged shaking hand, multiple attempts, tourniquet use, mismatched expiration-date markings, and missing secondary video did not establish that the blood draw was unreasonable under the Fourth Amendment.

KEY QUOTATIONS

“A blood draw is reasonable under governing Fourth Amendment requirements if the police were justified in requiring the blood sample to be taken and if reasonable means and procedures were used in obtaining the blood sample.” (at 10)

“Based on the totality of the circumstances addressed above, we conclude that the blood draw in this case was not an unreasonable search and seizure under the Fourth Amendment.” (at 15)

FACTUAL BACKGROUND

After being arrested for felony driving while intoxicated, Hildebrandt refused to consent to a blood draw, and officers obtained a search warrant. Because he stated that officers would have to tie him down and the trial court found him uncooperative, deputies placed him in a restraint chair while a certified EMT and trained phlebotomist drew his blood at the Williamson County Jail. The approximately sixteen-minute draw involved multiple attempts, a shaking hand by the technician, a tourniquet, bruising, and Hildebrandt's complaint that his hand was turning purple. The trial court found that the draw occurred in a safe and sanitary location, followed accepted medical procedures, and caused no long-term injury.

PROCEDURAL HISTORY

After Hildebrandt's arrest, law enforcement obtained a search warrant for a blood draw. The trial court conducted a suppression hearing, denied the motion, entered findings of fact and conclusions of law, and sentenced Hildebrandt under the plea agreement to ten years' imprisonment suspended in favor of three years of community supervision, including ten days in county jail. The court certified that Hildebrandt could appeal issues raised by written motion before trial. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Villarreal, 475 S.W.3d 784, 795 (Tex. Crim. App. 2014)
- Roop v. State, 484 S.W.3d 594, 597-98 (Tex. App.—Austin 2016, pet. ref'd)
- Schmerber v. California, 384 U.S. 757, 768-72 (1966)
- State v. Cortez, 543 S.W.3d 198, 203 (Tex. Crim. App. 2018)
- State v. Dixon, 206 S.W.3d 587, 590 (Tex. Crim. App. 2006)
- State v. Cuong Phu Le, 463 S.W.3d 872, 876 (Tex. Crim. App. 2015)
- State v. Fikes, 585 S.W.3d 636, 640-43 (Tex. App.—Austin 2019, no pet.)
- State v. Duran, 396 S.W.3d 563, 570, 573 (Tex. Crim. App. 2013)
- Abney v. State, 394 S.W.3d 542, 548 (Tex. Crim. App. 2013)
- State v. Story, 445 S.W.3d 729, 732 (Tex. Crim. App. 2014)
- Taylor v. State, 604 S.W.2d 175, 177 (Tex. Crim. App. 1980)
- State v. Johnston, 336 S.W.3d 649, 662-63 (Tex. Crim. App. 2011)
- Siddiq v. State, 502 S.W.3d 387, 397-403 (Tex. App.—Fort Worth 2016, no pet.)