



# TIBA TEXAS INDEPENDENT BAR ASSOCIATION

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⚖ Vol. 8, No. 15 -- April 17, 2000

Case Name: *The State of Texas v. Leo Steelman*

- OFFENSE: State's Appeal
- COUNTY: Taylor
- CA CASE No. 11-99-0155-CR
- DATE OF OPINION: April 6, 2000
- DISPOSITION: Suppression Order Affirmed

⚖ 31.024 **Search and Seizure / Probable Cause - Reasonable Suspicion (Anonymous Tip - Viewing In Two Private Residence)** - Where officers received anonymous call, and went to single-family residence, without a warrant, and looked into window, but couldn't see anything, and then went to door, and "smelled marijuana," and then officers entered and search house, without warrant, and did not see any dope in plain view, and did not get consent and then after occupants were arrested, sometime later, officers obtained search warrant where marijuana was found, trial court found that officers testimony was "incredible" and was impeached as to the reality of him "smelling marijuana," Court of Appeals finds that this was a factual determination, and trial court ruled against State, and that entry was improper and could not be set aside on appeal.