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Case Name: Iraj Mahmoudi v. The State of Texas

- OFFENSE: Possession of Controlled Substance
- COUNTY: Harris
- CA CASE No. 14-97-0190-CR
- DATE OF OPINION: July 15, 1999
- DISPOSITION: Conviction Affirmed

31.022 Search and Seizure / Probable Cause (Federal Search Warrant-Silver Platter Doctrine -- Anticipatory Search Warrant) -- Facts: Where Feds relied upon their law to get Anticipatory Search Warrant of Appellant's home, based upon information that Appellant would be receiving a substantial amount of " dope" from Peru in an express package, and package was inspected at airport, and then delivered to Appellant's home, but while federal officers waited for Appellant to return, and he never did, they executed the warrant, found some dope, which was not enough for them to prosecute by their "standards," then they turned evidence over to state for prosecution.

Holding: Where Appellant challenges the anticipatory search warrant, Court of Appeals finds that warrant did not meet the provisions of Article 18.01, however, under decision of Toone v. State, 872 S.W.2d 750 (Tex.Cr.App. 1994), such federal searches are not governed by the provisions of state law, as Court of Appeals finds that there was probable cause, and therefore, even though evidence was submitted under the "Silver Platter Doctrine," no error shown.

533.02 Sufficiency of the Evidence -- Even though Appellant was not home at all for the arrival of the dope, or during the search before its seizure, court finds that since dope was placed in his name, even though in a concealed package, there was other corroborating evidence showing that Appellant was connected to the package, thus court finds evidence sufficient.