
YEAR 2005 CASE SUMMARIES

By
The Honorable Pat Garza

Associate Judge
386th District Court
San Antonio, Texas

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Traffic stop not considered custody, therefore warning requirements of Miranda and TFC §51.095 were not required.[In the Matter of R.A.](05-4-4)

On June 15, 2005, the Austin Court of Appeals held that this (case-by-case) routine traffic stop was "presumptively temporary and brief" and as a result, non-custodial, and questions asked by the officer were not considered custodial interrogation.

05-4-4. In the Matter of R.A., ___ S.W.3d ___, No. 03-04-00483-CV, 2005 Tex.App.Lexis 4663 (Tex.App.— Austin, 6/15/05). rel for pub. 8/19/05

Facts & Opinion: see ¶ 05-3-13.