

Betty Sanders
Court Reporter
bettysanderscsr@gmail.com

Mailing Address
P.O. Box 167
Montague, Texas 76251



Amanda Cunningham
Court Coordinator
97thcoordinator@gmail.com

Phone: (940) 894-2066
Fax: (940) 894-2560
Website: www.97thdistrictcourt.com

Jack McGaughey
97th District Judge
judgetmcgaughey@gmail.com

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Mr David B. Sloane
Attorney at Law
933 W. Weatherford Street
Fort Worth, Texas 76102

Ms Casey Polhemus
District Attorney
P.O. Box 55
Montague, Texas 76251

RE: *No. 2019-0097M-CR, State v. Whalen, In the 97th Judicial District Court of Montague County, Texas*

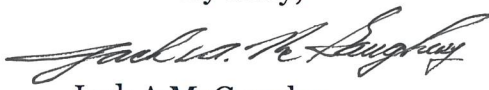
Counsel:

I have reviewed the evidence in connection with the Defendant's Motion to Suppress Evidence heard on 20 February 2020.

The Court finds that evidence does not establish that the Defendant violated the Texas Transportation Code so as to permit a lawful stop. *State v. Cortez*, 512 S.W.3d 913, 921 (Tex. App.—Amarillo, 2017). Having determined the stop was unlawful, there is no reason to proceed to a determination of whether the stopping officer had reasonable suspicion to conduct a canine sweep of the exterior of the vehicle.

Accordingly, the Defendant's Motion to Suppress Evidence is granted. The State is directed to prepare an order to this effect.

Yours very truly,


Jack A McGaughey