Affirmed and Opinion filed September 23, 1999.

In The

Fourteenth Court of Appeals

———————————

NO. 14-97-00851-CR

———————————

RODDY ALAN COX, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 361st District Court
Brazos County, Texas
Trial Court Cause No. 1285-97-361

O P I N I O N

Appellant pled guilty to the charge of driving while intoxicated and was sentenced to 180 days in jail probated for one year and a $2,000 fine, with $1,000 probated. Before appellant pled guilty, the trial court held a hearing and denied his motion to suppress observations and opinions, breath and blood test refusal, statements, and audio and video portions of the video tape. In two points of error, appellant argues that because the officer did not have probable cause to arrest him, the trial court erred in denying his motion to suppress. We affirm.

On March 12, 1997, Bryan Police Sergeant Fickey noticed appellant's red pickup truck stopped at a green light as other cars went around. Officer Fickey made a U-turn and pulled behind appellant's pickup which, by that time, had traveled approximately one block and was stopped at a red light. Officer Fickey testified that a police dispatcher's broadcast had notified him about a possible drunk driver in a red GMC pickup.

Officer Fickey did not pull appellant over immediately. Instead, he called for another unit to come to the scene. Bryan Police Officer French was dispatched. While waiting for Officer French to arrive, Fickey continued to follow appellant and noticed him commit several traffic offenses, which Fickey relayed to Officer French.

Officer French stopped appellant's truck, administered a field sobriety test and arrested appellant. Officer French did not testify at the hearing on the motion to suppress. Officer Fickey testified that he watched part of the time while Officer French gave appellant field sobriety tests. Officer Fickey testified that, in his opinion, appellant appeared intoxicated.

The trial court found that there was probable cause to arrest appellant, and denied the motion to suppress. Appellant does not dispute the validity of the initial stop and detention. Rather, he argues that the evidence considered by the trial judge did not establish probable cause to arrest.

The standard for reviewing a trial court's ruling on a motion to suppress evidence is *de novo*. *Guzman v. State,* 955 S.W.2d 85, 87-89 (Tex. Crim. App. 1997). At a hearing on a motion to suppress, the trial court is the sole trier of fact and judge of the credibility of the witnesses as well as the weight to be given their testimony. *Romero v. State,* 800 S.W.2d 539, 543 (Tex. Crim. App. 1990). On appellate review, the evidence presented at the suppression hearing is viewed in the light most favorable to the trial court's ruling to determine whether the trial court abused its discretion in denying the motion to suppress. *Whitten v. State,* 828 S.W.2d 817, 820 (Tex. App.—Houston [lst Dist.] 1992, pet. ref 'd).

A peace officer may arrest an offender without a warrant for any offense committed in his presence or within his view. TEX. CODE CRIM. PROC. ANN. art. 14.01(b) (Vernon 1995). Probable cause to arrest also exists where the facts and circumstances within the officer's knowledge and of which he has reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that a particular person has committed or is committing an offense. *Woodward v. State*, 668 S.W.2d 337, 345 (Tex. Crim. App. 1982), *cert. denied*, 469 U.S. 1181 (1985); *Hughes v. State*, 878 S.W.2d 142, 154 (Tex. Crim. App. 1992), *cert. denied,* 511 U.S. 1152 (1994). An officer's subjective belief as to whether probable cause exists does not control; instead the test is objective. *Johnson v. State*, 722 S.W.2d 417, 419 (Tex. Crim. App. 1986).

Officer Fickey's testimony was sufficient for the trial court to conclude that probable cause existed to arrest appellant. Fickey had over 23 years experience as a Bryan police officer. He received a police dispatcher's broadcast that a vehicle matching appellant's was possibly being driven by a drunk driver. He noticed appellant's pickup stopped at a green light as other cars pulled around it. He followed appellant's pickup and witnessed him violate several traffic laws. He followed appellant's pickup truck and observed him weaving within his lane. He relayed appellant's erratic driving to Officer French. He observed part of the field sobriety tests and, in his opinion, appellant was intoxicated.

Officer Fickey testified that he witnessed appellant violate Texas traffic laws. These offenses were committed within Fickey's view, and they justified appellant's arrest by French. TEX. CODE. CRIM. PROC. art. 14.01(b). Officer Fickey observed appellant remain stopped at a traffic signal that was green, in violation of Texas Transportation Code section 545.004(a). Officer Fickey also testified that appellant wove across traffic lanes, a violation of Texas Transportation Code section 545.060(a).

Moreover, the facts and circumstances within Officer Fickey's knowledge were sufficient to warrant a prudent man to believe that appellant had committed or was committing

an offense. *Britton v. State*, 578 S.W.2d 685 (Tex. Crim. App. 1979), *cert. denied*, 444 U.S. 955 (1979).

The observation and testimony by Officer Fickey of those offenses were sufficient to provide probable cause for French to arrest appellant. *See e.g. State v. Skiles*, 938 S.W.2d 447, 455 (Tex. Crim. App. 1997); *Willis v. State*, 669 S.W.2d 728, 730-31 (Tex. Crim. App. 1984).

The warrantless arrest of appellant was lawful and the denial of his motions to suppress was not an abuse of discretion. Accordingly, we overruled appellant's points of error and affirm the trial court's judgment.

/s/ Cynthia Hollingsworth
Justice

Judgment rendered and Opinion filed September 23, 1999.
Panel consists of Chief Justice Murphy and Justices Edelman and Hollingsworth.[1]
Do Not Publish — TEX. R. APP. P. 47.3(b).

[1] The Honorable Cynthia Hollingsworth, former Justice, Court of Appeals, Fifth District of Texas at Dallas, participating by assignment.