

Gilbert v. State

Based upon a tip of drug activity, city police established surveillance of an apartment located within another city in the same county. After observing suspicious activity, the officers obtained a search warrant from a municipal court judge. The search uncovered marijuana in the apartment. Following conviction, the defendant appealed, arguing that the magistrate had no authority to issue a warrant for a location in another jurisdiction. The court noted that the jurisdiction of a justice of the peace acting as a magistrate is coextensive with the limits of the county and reasoned that the same principles applied when a municipal judge acted as a magistrate. Applying this principle, the court upheld the authority of a municipal judge's warrant within all counties in which the city is located.