

Sharp v. State

A municipal court clerk does not have the authority to issue a capias. In *Sharp*, a municipal court clerk issued a capias writ, and a defendant was later arrested on that capias. As a result of the arrest, the defendant was charged with and convicted of possession of methamphetamine. Because the capias was not issued by the court after a magistrate had determined probable cause, the arrest was illegal and all evidence discovered as a result of the arrest was suppressed.