

**CODE OF CRIMINAL PROCEDURE**  
**TITLE 1. CODE OF CRIMINAL PROCEDURE**

**CHAPTER 38. EVIDENCE IN CRIMINAL ACTIONS**

**Art. 38.23. EVIDENCE NOT TO BE USED.**

(a) No evidence obtained by an officer or other person in violation of any provisions of the Constitution or laws of the State of Texas, or of the Constitution or laws of the United States of America, shall be admitted in evidence against the accused on the trial of any criminal case. In any case where the legal evidence raises an issue hereunder, the jury shall be instructed that if it believes, or has a reasonable doubt, that the evidence was obtained in violation of the provisions of this Article, then and in such event, the jury shall disregard any such evidence so obtained.

**Art. 38.34. PHOTOGRAPHIC EVIDENCE IN THEFT CASES.**

- (a) In this article, "property" means any tangible personal property.
- (b) A photograph of property that a person is alleged to have unlawfully appropriated with the intent to deprive the owner of the property is admissible into evidence under rules of law governing the admissibility of photographs. The photograph is as admissible in evidence as is the property itself.
- (c) The provisions of Article 18.16 concerning the bringing of stolen property before a magistrate for examination are complied with if a photograph of the stolen property is brought before the magistrate.
- (d) The defendant's rights of discovery and inspection of tangible physical evidence are satisfied if a photograph of the property is made available to the defendant by the state on order of any court having jurisdiction over the cause.