
YEAR 2005 CASE SUMMARIES

By
The Honorable Pat Garza

Associate Judge
386th District Court
San Antonio, Texas

[2005 Summaries](#) [2004 Summaries](#) [2003 Summaries](#) [2002 Summaries](#) [2001 Summaries](#) [2000 Summaries](#) [1999 Summaries](#)

In a motion to suppress a confession, the respondent has the burden to establish a causal connection and the state has the burden to disprove it or establish an attenuation-of-taint. [Pham/Gonzales v. State](05-3-19)

On June 29, 2005, the Court of Criminal Appeals released their corrected opinion, holding that when a statement is obtained in violation of TFC §52.02, it is the defendant's burden to produce evidence demonstrating the causal connection, the burden then shifts to the State to either disprove the evidence produced, or establish that the causal chain asserted by the defendant was in fact broken.

05-3-19. Pham/Gonzales v. State, ___ S.W.3d ___, Nos. 12-4 & 72-04, 2005 Tex. Crim. App. Lexis 832 (Tex.Crim.App., 6/8/05). as corrected 6/29/05.

Facts & Opinion: see 05-3-08.

Editor's note: The corrected opinion had no substantive changes from the court's June 8, 2005 opinion.