

Juvenile Law Case Summaries

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Court of Criminal Appeals vacates and remands a confession/parental notification case to the Court of Appeals [Pham v. State] (02-2-10).

On April 10, 2002, the Texas Court of Criminal Appeals vacated and remanded to the Court of Appeals a case in which it had held that a confession should have been excluded from evidence for failure of the police to notify parents their child had been taken into custody. It did so in light of *Gonzales v. State*, in which it had held that a causal connection between the failure to notify and the obtaining of the confession must be shown.

02-2-10. *Pham v. State*, --- S.W.3d ---, No. 198-01, 2002 WL 531152, 2002 Tex.App.Lexis ____ (Tex.Crim.App. 4/10/02) [Texas Juvenile Law (5th Edition 2000)].

Facts: A jury found Appellant guilty of murder and assessed punishment at confinement for life. The Court of Appeals reversed the conviction based on its conclusion that the trial court erred to admit Appellant's confession. *Pham v. State*, 36 S.W.3d 199 (Tex.App.-Houston [1st Dist.] 2001) [Juvenile Law Newsletter 01-1-06]. The Court of Appeals held the confession was inadmissible because of the State's violation of V.T.C.A. Family Code, § 52.02(b), which requires that a juvenile's parent or guardian be promptly notified that the juvenile has been taken into custody. The Court of Appeals concluded the trial court reversibly erred to admit Appellant's confession. See Article 38.23, V.A.C.C.P.; Tex.R.App.P. 44.2(b).

Held: Vacated and remanded.

Opinion Text: The State has filed a petition for discretionary review contending the Court of Appeals erred to conclude that any statement given by the juvenile must be suppressed because of the failure to notify the juvenile's parent, guardian, or custodian that the juvenile had been taken into custody. The State also argues that no causal connection exists between the failure to notify and any statement subsequently made by the juvenile.

Recently, in *Gonzales v. State*, --- S.W.3d ---- (Tex.Crim.App. No. 47-00, delivered February 13, 2002) [Juvenile Law Newsletter 02-1-26], we addressed the same issue. We concluded that before a juvenile's written statement can be excluded, there must be a causal connection between the Family Code violation and the making of the statement. *Id.* slip op. at 4-5. The Court of Appeals in the instant case did not have the benefit of our opinion in *Gonzales*. Accordingly, we grant grounds one and two of the State's petition for discretionary review, vacate the judgment of the Court of Appeals, and remand this case to the Court of Appeals in light of our opinion in *Gonzales*.

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