

Juvenile Law Case Summaries

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Court of Criminal Appeals vacates confession decision [State v. Simpson] (02-2-16).

On April 24, 2002, the Court of Criminal Appeals vacated a parental notification confession case for reconsideration by the Court of Appeals in light of *Gonzales v. State*.

02-2-16. *State v. Simpson*, ___ S.W.3d ___, No. 373-01, 2002 WL 662776, 2002 Tex.App.Lexis ___ (Tex.Crim.App. 4/24/02) [Texas Juvenile Law (5th Edition 2000)].

Facts: Appellee was charged with capital murder. The trial court granted Appellee's pre-trial motion to suppress the written statement he gave to police after his arrest. The trial court held that the statement was illegally obtained because of the failure of law enforcement officers to promptly notify Appellee's parent of his detention in violation of Texas Family Code, § 52.02(b). The State appealed the trial court's order suppressing the statement. Article 44.01(a)(5), V.A.C.C.P. The Court of Appeals upheld the trial court's order suppressing the statement based on a violation of § 52.02(b). *State v. Simpson*, 51 S.W.3d 633, No. 12-00-00235-CR (Tex.App.-Tyler, delivered December 29, 2000) [Juvenile Law Newsletter 01-1-11].

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*, 67 S.W.3d 910 (Tex.Crim.App. No. 47-00, delivered February 13, 2002), 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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