

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
300 Dolorosa, Suite 3200
San Antonio, Texas 78205-3037



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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Thursday, March 26, 2015, at St. Mary's Law School beginning at 8:30 a.m. The first case, 04-14-00562-CV *Jesus De Los Santos Jr., Individually and as Representative of the Estate of Jesus Francisco De Los Santos, Deceased, and Juan De Los Santos, Individually v. Ford Motor Company and Marco Anthony Soliz Jr.*, will be heard before the following panel of justices: Justice Karen Angelini, Justice Marialyn Barnard, and Justice Rebeca C. Martinez. The second case, 04-14-00352-CR *John Gonzalez III v. The State of Texas*, will begin at 9:30 a.m. and be heard by the panel of: Justice Patricia O. Alvarez, Justice Luz Elena D. Chapa, and Justice Jason Pulliam.

The following cases will be presented:

Jesus De Los Santos Jr., Individually and as Representative of the Estate of Jesus Francisco De Los Santos, Deceased, and Juan De Los Santos, Individually v. Ford Motor Company and Marco Anthony Soliz Jr.- an appeal arising out of a products liability action instituted by the father of a teenager killed in a rollover accident. At the close of the evidence, the trial court granted Ford Motor Company's motion for directed verdict as to the plaintiffs' manufacturing defect claims. Thereafter, the jury found Ford Motor Company was not liable on the plaintiffs' remaining claim for design defect. The appeal challenges only the trial court's granting of the directed verdict.

John Gonzalez III v. The State of Texas - This appeal stems from the State's capital murder indictment alleging Appellant John Gonzales, III murdered James Whitley during an attempted robbery. At the time of the alleged murder, Gonzales was sixteen years old. After the trial court overruled his motions to suppress, Gonzales entered a plea of no contest to a reduced charge of murder. Gonzales was sentenced to twenty years' confinement in the Institutional Division of the Texas Department of Criminal Justice.

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On appeal, Gonzales contends the trial court erred in granting the State’s petition for waiver of juvenile jurisdiction and discretionary transfer to adult criminal court. The State counters that by failing to object to the language contained in the trial court’s order, Gonzales waived any error contained within the order. In his second appellate issue, Gonzales argues that because he was a juvenile at the time of the interrogation, and a reasonable person would not have believed they were free to leave, the investigator was required to admonish Gonzales in accordance with Texas Family Code section 51.095. TEX. FAM. CODE ANN. § 51.095(a) (West 2014). Specifically, Gonzales contends the investigator failed to take Gonzales before a magistrate, provide legal admonishments, and obtain a waiver of his rights. *Id.* Because the officer failed to do so, Gonzales contends any statements taken were the result of a custodial interrogation and the trial court erred in denying his motions to suppress.

The oral arguments will be held at the St. Mary’s University School of Law – Mock Courtroom Classroom Building, One Camino Santa Maria, San Antonio, Texas 78228.