

Essay on texas judiciary

[Law](#), [Evidence](#)



Part One

Del Lago Partners, Inc. and Del Lago Partners, L. P., d/b/a Del Lago Golf Resort & Conference Center, and BMC-The Benchmark Management Co. v. Bradley Smith, No. 06-1022 is an appeal case that involved Del Lago Golf Resort and Conference Center as the petitioner and Bradley Smith as the respondent. Earlier, Smith had won the case and awarded \$ 300, 000 in actual damages after deliberations made by a jury in a 6-3 decision. The majority made the decision on the basis that owners' of premises have a duty to protect their guests against acts of aggravated assault made by third parties.

In this case, the complainant (Bradley Smith) argued that the proprietor of Grandstand Bar (Del Lago Golf Resort and Conference Center) failed to protect him from assault by another guest, something that led him to sustain a head injury. However, the defendant argued that the assault that took place was not foreseeable, and such altercations were rare in the premises. The plaintiff, on the other hand, argued that several incidents had taken place within the premises, and the proprietor had not done enough to beef up security to make guests safe. The dissents, however, argued that such evidence could not be credited because its veracity could not be ascertained.

If I were a justice on the Texas Supreme Court, I would overrule and reverse the decision made by the lower court. Indeed, as the petitioner pointed out, the lower court credited evidence it could not credit and disregarded evidence that ought to be upheld. For example, the use of undocumented calls to security in the period prior to the assault should not have been used

because that testimony was vague. In addition, the lower court gave credence to the evidence of the plaintiff witnesses even though they appeared to have been involved in the altercation themselves. Moreover, the defendant in this case proved that ordinary care had been provided, and there was no need to station security officers in the bar on a permanent basis. Therefore, the prayer made by the petitioner to reverse the decision made by the lower court would have to be upheld.

Part Two

Ronald Wilson V. The State of Texas is an appeal case in which the appellant wanted the confession obtained from him quashed on the basis that the detective falsified a lab report to push him to make a confession. The court ruled that the confession was inadmissible and could not be relied on because it violated article 38. 23 of the Texas Penal Code. The Court of Appeal upheld that decision. One of the reasons why the court made that decision was based on the fact the interrogating officer because he had tampered with “ controlled” evidence to get that confession. The detective contravened article 37. 10 because he had tampered with a government record and presented it as a genuine government record. Therefore, the “ evidence” gathered from the confession could not be admissible under article 38. 23 of the Texas Penal Code.

However, the dissenting opinion argued that the appellant’s rights had not been violated in getting that confession; there was no evidence to suggest that the appellant had been physically assaulted or threatened in any way before making a confession. In addition, if the detective had made that assertion without presenting the fake lab report and the appellant made that

confession, it is likely that the confession would not have been suppressed. On that basis, the dissenting judges argued that the confession should not have been suppressed.

If I were a judge in that case, I would affirm the decision made by the court of appeal. The role of justice is ensuring that both the plaintiff and the defendant get a fair and just trial. As much as the interrogating officers can use some level of trickery to get the bad elements in the society, there should be the extent to which they should not go. For example, the use of falsified government documents is a violation of the Texas Penal Code, and confessions made using a flawed process should not be allowed to stand.

Works Cited

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