

NOT DESIGNATED FOR PUBLICATION

No. 114,222

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

GERARDO GONZALES,
Appellant.

MEMORANDUM OPINION

Appeal from Finney District Court; ROBERT J. FREDERICK, judge. Opinion filed March 3, 2017.
Affirmed.

Ryan J. Eddinger, of Kansas Appellate Defender Office, for appellant.

Nicholas C. Vrana, assistant county attorney, *Susan Hillier Richmeier*, county attorney, and *Derek Schmidt*, attorney general, for appellee.

Before ARNOLD-BURGER, C.J., ATCHESON and BRUNS, JJ.

Per Curiam: A jury sitting in Finney County District Court in 2015 convicted Defendant Gerardo Gonzales of two felonies and a misdemeanor, finding he vandalized a marked patrol car belonging to Garden City Police Department. For his sole issue on appeal, Gonzales contends the district court erred in denying his pretrial motion to suppress inculpatory statements he made to a Garden City police officer on the grounds they were involuntary. See *Jackson v. Denno*, 378 U.S. 368, 376-77, 84 S. Ct. 1774, 12 L. Ed. 2d 908 (1964); *State v. Betancourt*, 301 Kan. 282, 289, 342 P.3d 916 (2015) (noting that "at a *Jackson v. Denno* hearing, the issue before the court is whether

defendant's statement or confession was voluntary"). The State counters that Gonzales failed to make a contemporaneous objection to the introduction of the statements during the trial and, therefore, failed to preserve the issue for appellate review. See K.S.A. 60-404. Gonzales has offered no reply explaining how the point has been preserved.

In recent years, the Kansas Supreme Court has implacably and strictly enforced the contemporaneous objection rule. See *State v. Potts*, 304 Kan. 687, 699-701, 374 P.3d 639 (2016); *State v. Hollingsworth*, 289 Kan. 1250, 1256-57, 221 P.3d 1122 (2009). The *Hollingsworth* decision is controlling. There, in a *Jackson v. Denno* hearing, the district court found Hollingsworth's statements to be voluntary and admissible. Hollingsworth failed to again assert involuntariness in an objection when the statements were offered at trial, so the court refused to consider the issue on appeal. 289 Kan. at 1255-57.

The lack of a contemporaneous objection at trial has doomed Gonzales' appeal.

Affirmed.