

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

**Jonathan Paul Jones v. Raquel Hatch and James McCowan, Jr.,
Individually, and as Representatives of the Estate of Taylor
McCowan**

No. 04-24-00553-CV (Tex. App.—San Antonio Apr. 1, 2026) · No. No. 04-24-00553-CV · Decided April 1, 2026

SUMMARY

The Fourth Court of Appeals of Texas reviews a wrongful-death and survival judgment arising from a fatal motor-vehicle collision involving an intoxicated driver. The court holds that the evidence was legally insufficient to support the parents’ pecuniary-loss damages and that several noneconomic damages awards were excessive, while concluding that exemplary damages were not capped and were supported by sufficient evidence. The court reverses and renders in part, affirms in part conditioned on remittitur, and finds no jury-charge error.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Adrian A. Spears II, Justice; Rebeca C. Martinez, Chief Justice; Irene Rios, Justice
JURISDICTION	Texas Court of Appeals, Fourth District, San Antonio
DECIDED	April 1, 2026
DOCKET	No. 04-24-00553-CV
DISPOSITION	other
PROCEDURAL POSTURE	Jones appealed a judgment entered on a jury verdict awarding Taylor McCowan's parents and estate more than \$81 million in actual and exemplary damages arising from a fatal motor-vehicle collision.
STANDARD OF REVIEW	Legal sufficiency is reviewed in the light most favorable to the verdict, crediting supporting evidence that reasonable jurors could believe and disregarding contrary evidence unless reasonable jurors could not. Factual sufficiency requires examination and weighing of the entire record, with reversal only when the evidence is so weak or the finding is so against the great weight and preponderance of the evidence that it is clearly wrong and unjust. Excessive-damages complaints are reviewed under the factual-sufficiency standard. Clear-and-convincing

	findings are reviewed by considering whether a reasonable factfinder could form a firm belief or conviction. Jury-charge submission and instruction decisions are reviewed for abuse of discretion, and unpreserved charge complaints generally are waived.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Jonathan Paul Jones v. Raquel Hatch, James McCowan, Jr., individually and as representatives of the Estate of Taylor McCowan

TOPICS

wrongful death damages standard of review appellate procedure personal injury

PRACTICE AREAS

torts wrongful death damages appellate procedure

QUESTIONS PRESENTED

1. Whether legally or factually sufficient evidence supported the parents' mental-anguish and loss-of-companionship damages.
2. Whether legally sufficient evidence supported the parents' past and future pecuniary-loss damages.
3. Whether legally or factually sufficient evidence supported the estate's award for Taylor's conscious pain and mental anguish.
4. Whether the challenged actual-damage awards were excessive and subject to remittitur.
5. Whether the exemplary-damages award was subject to the statutory cap based on the pleadings.
6. Whether legally and factually sufficient evidence supported the jury's intoxication finding.
7. Whether legally and factually sufficient evidence supported the jury's gross-negligence finding.
8. Whether the preserved jury-charge complaints required reversal.
9. Whether unpreserved jury-charge complaints constituted fundamental error.

HOLDINGS

1. The evidence was legally sufficient to support some mental-anguish damages, but factually insufficient to support the amounts awarded because the awards were excessive. The court suggested remittitur reducing each parent's past mental-anguish award to \$5 million and future award to \$2.5 million.
2. The evidence was legally sufficient to support some loss-of-companionship-and-society damages, but factually insufficient to support the amounts awarded. The court suggested remittitur reducing each parent's past award to \$500,000 and future award to \$1.5 million.
3. The evidence was legally insufficient to support any past or future pecuniary-loss damages for either parent, and the court rendered judgment that they recover nothing on that damages element.

4. The evidence was legally sufficient to support some damages for Taylor's conscious pain and mental anguish, but factually insufficient to support the \$24 million award. The court suggested a remittitur to \$6 million.
5. The exemplary-damages recovery was not capped at \$750,000 because the pleadings adequately alleged conduct described as a felony—intoxication manslaughter—even though they did not cite the statutory subsection.
6. Legally and factually sufficient evidence supported the jury's finding that Jones was intoxicated when he collided with Taylor's sedan.
7. Legally and factually sufficient evidence supported the jury's clear-and-convincing gross-negligence finding and exemplary-damages award.
8. The preserved jury-charge complaints did not warrant reversal, and the unpreserved complaints presented nothing for review because they did not constitute fundamental error.

KEY QUOTATIONS

“With respect to mental anguish damages, “there must [] be some evidence to justify the amount awarded.””
(at 16)

“Viewing the evidence in the light most favorable to the jury’s findings, we conclude the evidence is legally insufficient to support any amount of pecuniary loss damages to Hatch and McCowan.” (at 20)

“After reviewing the evidence under the proper standards of review, we hold the evidence is legally and factually sufficient to support the jury’s finding that Jones was intoxicated when he collided with Taylor’s sedan.” (at 30)

FACTUAL BACKGROUND

On January 31, 2020, Jones drove the wrong way up a freeway ramp while intoxicated and collided head-on with Taylor McCowan's sedan. Taylor suffered severe injuries, remained unconscious by the time she reached the hospital, and died fifteen days later from complications. Her parents experienced substantial grief and mental anguish, but the evidence showed that Taylor had lived independently for more than five years and that her parents and Taylor communicated and visited periodically. The evidence also showed that Taylor was responsive to painful stimulation for less than an hour before becoming unconscious.

PROCEDURAL HISTORY

Hatch and McCowan sued Jones in the 438th Judicial District Court of Bexar County for wrongful-death and survival damages. A jury found that Jones's negligence proximately caused the collision, that he was intoxicated, and that his gross negligence caused the harm; the trial court rendered judgment on the verdict. Jones challenged the sufficiency and excessiveness of the damages, the exemplary-damages cap, the intoxication and gross-negligence findings, and jury-charge rulings.

DISPOSITION

other

REMAND INSTRUCTIONS

If the appellees timely file the specified remittitur within twenty days, the court will modify the trial court's judgment and affirm it as modified. If the remittitur is not timely filed, the court will reverse the judgment and remand for a new trial on liability and all actual and exemplary damages, except pecuniary-loss damages. The court may not order a separate trial solely on unliquidated damages because liability was contested.

CASES CITED

- Anderson v. Durant, 550 S.W.3d 605, 620 (Tex. 2018)
- United Rentals N. Am., Inc. v. Evans, 668 S.W.3d 627, 640 (Tex. 2023)
- Graham Cent. Station, Inc. v. Pena, 442 S.W.3d 261, 263 (Tex. 2014)
- Plas-Tex, Inc. v. U.S. Steel Corp., 772 S.W.2d 442, 445 (Tex. 1989)
- Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986)
- Dow Chem. Co. v. Francis, 46 S.W.3d 237, 242 (Tex. 2001)
- Casas v. Paradez, 267 S.W.3d 170, 185-86 (Tex. App.—San Antonio 2008, pet. denied)
- Golden Eagle Archery, Inc. v. Jackson, 116 S.W.3d 757, 761 (Tex. 2003)
- Osterberg v. Peca, 12 S.W.3d 31, 55 (Tex. 2000)
- In re G.X.H., 627 S.W.3d 288, 301 (Tex. 2021)
- Saeco Elec. & Util., Ltd. v. Gonzales, 392 S.W.3d 803, 806 (Tex. App.—San Antonio 2012, pet. granted, judgm't vacated w.r.m.)
- Tittizer v. Union Gas Corp., 171 S.W.3d 857, 862 (Tex. 2005)
- Gregory v. Chohan, 670 S.W.3d 546, 556-57 (Tex. 2023) (plurality op.)
- In re Nalle Plastics Family Ltd. P'ship, 406 S.W.3d 168, 171-72 (Tex. 2013)
- J&D Towing, LLC v. Am. Alt. Ins. Corp., 478 S.W.3d 649, 655 (Tex. 2016)
- Parkway Co. v. Woodruff, 901 S.W.2d 434, 444 (Tex. 1995)
- Moore v. Lillebo, 722 S.W.2d 683, 685-88 (Tex. 1986)
- Bentley v. Bunton, 94 S.W.3d 561, 605-06 (Tex. 2002)
- Serv. Corp. Int'l v. Guerra, 348 S.W.3d 221, 233 (Tex. 2011)
- Wackenhut Corr. Corp. v. de la Rosa, 305 S.W.3d 594, 637 (Tex. App.—Corpus Christi–Edinburg 2009, no pet.)
- Cuevas, 561 S.W.3d at 568, 574, 577
- Lawhorn v. Hidinger, No. 13-16-00423-CV, 2019 WL 1288371, at *4-8 (Tex. App.—Corpus Christi–Edinburg 2019, no pet.)
- Garza v. Alviar, 395 S.W.2d 821, 823 (Tex. 1965)
- Pope v. Moore, 711 S.W.2d 622, 624 (Tex. 1986)
- Goodyear Tire & Rubber Co. v. Rogers, 538 S.W.3d 637, 660 (Tex. App.—Dallas 2017, pet. denied)

- Borth v. Charley's Concrete Co., Inc., 139 S.W.3d 391, 395 (Tex. App.—Fort Worth 2004, pet. denied)
- Cunningham v. Haroona, 382 S.W.3d 492, 507 (Tex. App.—Fort Worth 2012, pet. denied)
- SunBridge Healthcare Corp. v. Penny, 160 S.W.3d 230, 250 (Tex. App.—Texarkana 2005, no pet.)
- Missouri Pac. R. Co. v. Lane, 720 S.W.2d 830, 833 (Tex. App.—Texarkana 1986, no writ)
- Cresthaven Nursing Residence v. Freeman, 134 S.W.3d 214, 230 (Tex. App.—Amarillo 2003, no pet.)
- Badall v. Durgapersad, 454 S.W.3d 626, 636-37 (Tex. App.—Houston [1st Dist.] 2014, pet. denied)
- Zill v. State, 355 S.W.3d 778, 785-86 (Tex. App.—Houston [1st Dist.] 2011, no pet.)
- Kiffe v. State, 361 S.W.3d 104, 108 (Tex. App.—Houston [1st Dist.] 2011, pet. ref'd)
- U-Haul Int'l, Inc. v. Waldrip, 380 S.W.3d 118, 137 (Tex. 2012)
- Universal Servs. Co., Inc. v. Ung, 904 S.W.2d 638, 641 (Tex. 1995)
- Diamond Shamrock Ref. Co. v. Hall, 168 S.W.3d 164, 170 (Tex. 2005)
- In re J.F.C., 96 S.W.3d 256, 266 (Tex. 2002)
- Rayner v. Dillon, 501 S.W.3d 143, 157 (Tex. App.—Texarkana 2016, pet. dismiss'd by agr.)
- Thota v. Young, 366 S.W.3d 678, 687, 689 (Tex. 2012)
- In re V.L.K., 24 S.W.3d 338, 341 (Tex. 2000)
- Mack Trucks, Inc. v. Tamez, 206 S.W.3d 572, 577 (Tex. 2006)
- Guzzetta v. Brimhall, LLC, 678 S.W.3d 251, 256-57 (Tex. App.—San Antonio 2023, no pet.)

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