

## Year 2004 Case Summaries

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### ***Juvenile court judgment properly admitted at penalty phase of criminal trial [Garcia v. State] (04-2-01).***

On February 22, 2004, the Texarkana Court of Appeals held that a juvenile court judgment of adjudication was properly admitted into evidence in the penalty phase of a criminal trial as a self-authenticated public record.

04-2-01. Garcia v. State, UNPUBLISHED, No. 06-02-00040-CR, 2004 WL 350670, 2004 Tex.App.Lexis. \_\_\_\_ (Tex.App.-Texarkana 2/22/04) Texas Juvenile Law (5th Ed. 2000).

Facts: A jury found David Garcia guilty of aggravated robbery and assessed his punishment at fifteen years' confinement in the Institutional Division of the Texas Department of Criminal Justice. He appeals from this conviction, bringing thirteen points of error.

Held: Affirmed.

Opinion Text: Authentication of Juvenile Judgment

First, in point of error number four, Garcia contends the trial court erred in overruling his objection into evidence [at the penalty phase of the criminal trial] of a 1999 juvenile judgment for unlawful carrying of a weapon, labeled State's Exhibit No. 2, because the document was not properly authenticated and failed to meet the requirements of Rule 902(4).

A party offering documentary evidence must authenticate the document. Tex.R. Evid. 901. Certain documents, however, are self-authenticating. Tex.R. Evid. 902. That is, extrinsic evidence of the document's authenticity is not required. Parties at trial addressed the certification attached to the juvenile record at issue in terms of Rule 902(4) only. This rule provides:

Certified Copies of Public Records. A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form certified as correct by the custodian or other person authorized to make the certification, by certificate complying with paragraph (1), (2) or (3) of this rule or complying with any statute or other rule prescribed pursuant to statutory authority.

Tex.R. Evid. 902(4).

After obtaining a supplemental clerk's record regarding this judgment, we find it to be properly certified by the clerk of the District Court of Dallas County, Texas, as a true and correct copy of the original as it appears of record in that office. The certificate is given under the hand and seal of the district clerk which contains a signature, by a deputy clerk, as an attestation or execution and the seal of the court. We find the document meets the requirements of Rule 902(4) as self-authenticating.

The trial court did not abuse its discretion in admitting the judgment. We overrule Garcia's fourth point of error.

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