

Year 2004 Case Summaries

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There was no equal protection or due process violation in using the defendant's juvenile record as penalty evidence in a capital case [Escamilla v. State] (04-3-09).

On June 30, 2004, the Court of Criminal Appeals held that there was no violation of equal protection or due process in using the defendant's juvenile record as penalty evidence in his capital murder prosecution.

04-3-09. Escamilla v. State, ___ S.W.3d ___, No. 74494, 2004 WL 1462077, 2004 Tex.Crim.App.Lexis ___ (Tex.Crim.App. 6/30/04) Texas Juvenile Law (5th Ed. 2000).

Facts: A jury convicted appellant of capital murder. The trial court sentenced appellant to death pursuant to the jury's answers to the special issues submitted at the punishment phase. Appellant raises thirty-one points of error.

The indictment alleged that appellant shot and killed a peace officer who was "then and there acting in the lawful discharge of an official duty, and the said [appellant] then and there knew the said deceased to be a peace officer." See § 19.03(a)(1), Tex. Pen.Code. Appellant claims that the evidence is legally insufficient (point of error five) and factually insufficient (point of error six) to support a finding that he knew the victim was a peace officer when appellant killed him.

Held: Affirmed.

Opinion Text: In point of error thirteen, appellant claims that "the trial court erred in allowing the State to use the juvenile records against appellant as a violation of due process and equal protection ." This did not violate due process or equal protection principles. See Corwin v. State, 870 S.W.2d 23, 36-37 (Tex.Cr.App.1993), cert. denied, 513 U.S. 826, 115 S.Ct. 95, 130 L.Ed.2d 44 (1994) (use of juvenile misconduct as aggravating factor in capital punishment proceeding did not violate due process or Eighth Amendment principles). Point of error thirteen is overruled.

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