
YEAR 2006 CASE SUMMARIES

By
The Honorable Pat Garza

Associate Judge
386th District Court
San Antonio, Texas

[2005 Summaries](#) [2004 Summaries](#) [2003 Summaries](#) [2002 Summaries](#) [2001 Summaries](#) [2000 Summaries](#) [1999 Summaries](#)

A defendant may not appeal an order certifying him to adult court until after a conviction or an order of deferred adjudication for the offense for which the defendant was transferred to criminal court. [Rodriguez v. State](06-3-2)

On May 15, 2006, the Dallas Court of Appeals held that a defendant may not appeal an order certifying him to stand trial as an adult and transfer him to criminal court, until the appeal of the conviction or the order of deferred adjudication for the offense for which the defendant was transferred to criminal court.

¶ 06-3-2. **Rodriguez v. State**, ___ S.W.3d. ___, No. 05-06-00333-CR, 2006 Tex.App.Lexis 4152 (Tex.App.—Dallas, 5/15/06).

Facts: Luis Rodriguez was charged in juvenile court with capital murder. Following a hearing, the trial judge waived the juvenile court's jurisdiction and transferred appellant to criminal court. Appellant filed a notice of appeal from the transfer order. The State has filed a letter with this Court questioning our jurisdiction over the appeal.

Held: Dismissed, no jurisdiction

Opinion: A defendant may appeal an order certifying him to stand trial as an adult and transferring him to criminal court "*only in conjunction with the appeal of a conviction or an order of deferred adjudication for the offense for which the defendant was transferred to criminal court.*" *TEX. CODE CRIM. PROC. ANN. art. 44.47(b)* (Vernon Supp. 2005) (emphasis added). Neither appellant's notice of appeal nor the record reflect that the proceedings have resulted in either a judgment of conviction or deferred adjudication order.

Conclusion: Accordingly, we have no jurisdiction over the appeal.