Review of Recent Juvenile Cases (2008)

by
The Honorable Pat Garza
Associate Judge
386th District Court
San Antonio, Texas

Stated reason in trial court's disposition order was sufficient to commit child to TYC in Motion to Modify prosecution.[In the Matter of J.A.A.](08-1-15)

On February 6, 2008, the San Antonio Court of Appeals held that trial court's stated reasons, as well as the statement in the disposition order that the child "is in need of a structured and therapeutic correctional environment" was sufficient to commit child to TYC.

¶ 08-1-15. **In the Matter of J.A.A.**, No. 04-07-00105-CV, 2008 Tex.App.Lexis 848 (Tex.App.—San Antonio, 2/6/08).

Facts: J.A.A., a juvenile, appeals the trial court's order committing him to an indeterminate sentence in the Texas Youth Commission ("TYC"). In one issue J.A.A. argues the record does not support the trial court's stated reasons for the disposition.

Held: Affirmed

Opinion: After considering the evidence, the trial court advised J.A.A. of her decision to commit him to TYC. The court explained the disposition was because:

the probation department... [has] exhausted every type of program they have. We have nothing left. We have tried placement two times.... The long extensive referral history with the probation department that dates back to the year 2002. ... The numerous services that have been provided by the probation department, including deferred prosecution at the tender age of 11, all the way to nonsecure placement and secured placement, intensive supervision, Project Stay, and other programs for substance abuse and individual counseling to assist you in being rehabilitated and making good decisions. I believe probation has tried everything. Any programs they have we have tried them already.

The trial court's stated reasons, as well as the statement in the disposition order that J.A.A. "is in need of a structured and therapeutic correctional environment" are amply supported by the record. J.A.A. has not successfully completed any of his previous probations. While he has shown some measure of success during his probationary placements in non-secure and secured facilities, J.A.A. reoffended within months of being discharged to his home notwithstanding intensive support from the juvenile probation department.

Conclusion: The trial court acted within its discretion in finding that less restrictive alternatives were not successful in rehabilitating J.A.A. and that a more "structured and therapeutic correctional environment" was needed.

