

**Section 54.02(j) Applies
(Over 18 C&T)**

**WHEN DISCRETIONARY TRANSFER
HEARING TAKES PLACE AFTER THE
CHILD'S 18TH BIRTHDAY, THE FINDINGS
UNDER SECTION 54.02(J) [Over 18 C&T]
MUST BE MET.***

Morrison v. State

Tex.App.—Houston (14th Dist.), 11/10/2016

In this case no evidence was submitted and no finding made, either that “for a reason beyond the control of the state it was not practicable to proceed in juvenile court before” appellant’s eighteenth birthday or “after due diligence of the state it was not practicable to proceed in juvenile court before” appellant’s eighteenth birthday. TFC Sect. 54.02(j)(4)

QUERY

In August of 1973, M.K. a fifteen-year-old juvenile shoots and kills his friend. He stages the scene to appear that a burglary has taken place and there is not enough evidence at the time to prosecute him. Forty-three years later, new evidence is discovered and the now fifty-eight-year-old M.K. is charged with murder.

**Which court has jurisdiction over M.K.?
Juvenile or Adult?**
