YEAR 2004 CASE SUMMARIES

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No proof plea of guilty was involuntary because defendant didn't understand his juvenile record was admissible against him [Franklin v. State] (04-4-14).

On October 26, 2004, the Dallas Court of Appeals held that the defendant did not prove that his plea of guilty in criminal court was involuntary because he did not understand that his juvenile record could be used against him before the jury at punishment.

04-4-14. Franklin v. State, UNPUBLISHED, 05-03-01763-CR, 2004 WL 2384260, 2004 Tex.App.Lexis ___ (Tex.App.-Dallas 10/26/04) Texas Juvenile Law (6th Ed. 2004).

Facts: Antworn Montral Franklin pleaded guilty before a jury to three indictments charging him with aggravated robbery with a deadly weapon. See Tex. Pen.Code Ann. §§ 29.02, 29.03 (Vernon 2003). In each case, the jury found appellant guilty and assessed punishment at thirty-five years' confinement. The jury also made affirmative findings that appellant used or exhibited a deadly weapon, a firearm, during commission of the offenses. In a single point of error, appellant contends his guilty pleas were involuntary. We affirm the trial court's judgment in each case.

Appellant argues his guilty pleas were involuntary because he did not understand the consequences of his pleas. Appellant asserts he was not aware his juvenile record was admissible during trial. Appellant argues that had he known his juvenile record would be admitted after he entered the guilty pleas, he would not have entered those pleas. The State responds appellant has not met his burden to establish his guilty pleas were involuntary.

Held: Affirmed.

Opinion Text: On October 17, 2003, the State filed a notice of extraneous offenses and a notice of impeachment, which detailed one conviction for unauthorized use of a vehicle and thirteen juvenile adjudications and other extraneous juvenile offenses. During a pretrial hearing on November 3, 2003, the trial judge explained to appellant that the extraneous offenses could be offered at the punishment stage of the trial. On November 4, 2003, appellant pleaded guilty in front of the jury, and appellant's signed judicial confessions were offered into evidence without objection. Appellant then initially objected to the prosecutor offering into evidence appellant's signed agreement to stipulate to evidence about his juvenile record. After a discussion outside the jury's presence, appellant withdrew his objection. The stipulation was offered into evidence before the jury without objection, as was appellant's juvenile record. Appellant testified about his family background and testified that as a juvenile, he had been arrested eleven times, placed on probation once, and had been sent to a Texas Youth Commission facility.

The record shows the trial court properly admonished appellant orally and in writing. See Tex.Code Crim. Proc. Ann. art. 26.13(a), (d) (Vernon 1989 & Supp.2004-05); Kirk v. State, 949 S.W.2d 769, 771 (Tex.App.-Dallas 1997, pet. ref'd). A trial court may admit any matter it deems relevant to sentencing, including evidence of other crimes and bad acts. See Tex.Code Crim. Proc. Ann. art. 37.07, § 3(a)(1) (Vernon Supp.2004-05). Pursuant to article 37.07, section 3(a)(1), appellant's juvenile criminal record was admissible during the punishment phase of trial. See, e.g., Lindsay v. State, 102 S.W.3d 223, 226 (Tex.App.-Hous. (14th Dist.) 2003, pet. ref'd); Strasser v. State, 81 S.W.3d 468, 470 (Tex.App-Eastland 2002, no pet.). Nothing in the record shows appellant was not aware of the consequences of his guilty pleas and that he was harmed or misled by the trial judge's admonishments. See Tex.Code Crim. Proc. Ann. art. 26.13(c); Martinez v. State, 981 S.W.2d 195, 197 (Tex.Crim.App.1998). The record shows appellant knew the juvenile record was admissible and nothing shows appellant would not have pleaded guilty.