

Review of Recent Juvenile Cases (2011)

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

An order transferring a juvenile's determinate sentence probation to an adult district court is not an appealable order.[In the Matter of T.D.S.](11-3-11)

On June 23, 2011, the Houston Court of Appeals (14 Dist.) held that because an order transferring appellant's determinate sentence probation to adult district court is not one of the appealable orders enumerated in the statute, it is not an appealable order and the appellate court is without jurisdiction.

¶ 11-3-11. In the Matter of T.D.S., MEMORANDUM, No. 14-11-00005-CV, 2011 WL 2474056 (Tex.App.-Hous. (14 Dist.), 6/23/11).

Facts: Appellant T.D.S. attempts to appeal the trial court's order transferring his determinate sentence probation from juvenile court to adult district court. Appellant was adjudicated delinquent on December 1, 2010, for the offense of aggravated sexual assault of a child and was assessed a determinate sentence of three years' probation. Prior to his eighteenth birthday, which was December 12, 2010, the State sought to have appellant's probation transferred to adult district court pursuant to section 54.051(d) of the Texas Family Code. The court transferred appellant's probation to adult district court on December 9, 2010.

Held: Dismissed for want of jurisdiction

Memorandum Opinion: Section 56.01(c) of the Texas Family Code specifically lists the orders from which a juvenile may appeal, but an order transferring a juvenile's determinate sentence probation to an adult district court is not one of the orders enumerated in the statute. Tex. Fam.Code Ann. § 56.01; In re J.H., 176 S.W.3d at 679. Thus, the order transferring appellant's determinate sentence probation to the adult district court is not an appealable order.

Conclusion: We therefore dismiss this appeal for want of jurisdiction.