

Juvenile Law Case Summaries

By
Robert O. Dawson
Bryant Smith Chair in Law
University of Texas School of Law

[2001 Case Summaries](#) [2000 Case Summaries](#) [1999 Case Summaries](#)

Juvenile certification records were properly filed in criminal court and made part of the appellate record [Rushing v. State] (01-3-24).

On August 1, 2001, the Waco Court of Appeals denied a motion for rehearing in a case in which the claim was made that juvenile certification records could not be considered by the Court of Appeals in an appeal from a criminal conviction because they were from a different case than the case being appealed. The records were properly transferred to and made a part of the criminal trial record, which permits their consideration as part of the appellate record in an appeal from that trial.

01-3-24. Rushing v. State, ___ S.W.3d ____, No. 10-00-084-CR, 2001 WL 873205, 2001 Tex.App.Lexis ____ (Tex.App.-Waco 8/1/01) [Texas Juvenile Law (5th Edition 2000)].

Facts: Rushing complains in his Motion for Rehearing that our opinion [Juvenile Law Newsletter 01-3-19 (7/11/01)] did not address whether the clerk's record was properly supplemented to this court. The supplemental record contains various documents from the juvenile court proceeding, especially the order transferring the cause from juvenile court to adult court. We note that Rushing cites to Tex.R.App.P. 47.1 and Light v. State, 15 S.W.3d 104, 105 (Tex.Crim.App.2000), for the proposition that the opinion must address every issue raised on appeal. However, this rule and case pertain to briefed issues. Rushing's complaint about the supplemental record was contained in objections to this court requesting that we not allow supplementation of the record with the documents from the juvenile proceeding. We denied the objections. Rushing did not raise a point of error on the issue in his brief. Therefore, Rule 47.1 and Light do not support his complaint. Nevertheless, because the contents of the supplemental record are pivotal to our opinion, we will discuss this issue.

Held: Motion for rehearing denied.

Opinion Text: Rushing's argument is that the records from the juvenile proceeding are from a different cause, filed under a different cause number in the district clerk's office. Therefore, they cannot be a part of the record in the adult cause. We do not agree.

The supplemental record shows that the juvenile court issued an order on December 27, 2000, that the district clerk transfer certified copies of all papers filed in the juvenile cause to the adult cause. On that same date, the State filed a "Designation of Supplemental Clerk's Record" under the adult cause number, requesting that the appellate record be supplemented with the documents. On January 4, 2001, the clerk filed under the adult cause number certified copies of all the juvenile-cause documents. Then, copies of these certified records, certified by the clerk as accurate copies, were supplemented to this court on January 5, 2001. Therefore, we find that the records supplemented to us were properly filed in the adult cause, and accordingly were properly included as part of the clerk's record in the adult cause.

[2001 Case Summaries](#) [2000 Case Summaries](#) [1999 Case Summaries](#)