

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](#)

Judge of court not designated as juvenile court may sit for judge of court designated as juvenile court to hear a case filed in latter court [In re C.G.] (01-4-51).

On November 14, 2001, the San Antonio Court of Appeals held that the judge of a court that may not have been designated by the juvenile board to hear juvenile cases may sit for the judge of a court that has been designated a juvenile court in order to hear a juvenile case filed in the latter court.

01-4-51. In the Matter of C.G., UNPUBLISHED, No. 04-01-00218-CV, 2001 WL 1415038, 2001 Tex.App.Lexis ____ (Tex.App.-San Antonio 11/14/01) [Texas Juvenile Law (5th Edition 2000)].

Facts: After a bench trial, appellant (a juvenile) was found guilty of assault. In three issues, appellant asserts the trial court did not have jurisdiction to hear the adjudication or disposition phases of the trial and the evidence was insufficient to support the judgment.

Appellant's case was originally called in the 386th Judicial District Court on January 26, 2001. On that same day, the case was re-set for a non-jury trial to be held on February 1, 2001 in the 386th Court. The Honorable Laura Parker, Judge of the 386th Court, signed the order re-setting the date. On February 1st, the following events occurred. The parties signed a Jury Waiver, which bore the style of the 386th Court and was signed by the Honorable Andy Mireles. Judge Mireles is the Judge of the 73rd Judicial District Court. Judge Parker signed the Order of Adjudication Following Non-Jury Trial--Delinquent Conduct, which bore the style of the 386th Court. Under Judge Parker's signature line was the following: "The Honorable Andy Mireles, Judge; 386th Judicial District Court; Bexar County, Texas." Judge Parker signed the Order of Disposition Probation Custody CPO Delinquent Conduct. Under Judge Parker's signature line was the following: "The Honorable Andy Mireles, Judge; 386th Judicial District Court; Bexar County, Texas." Judge Mireles signed the Conditions of Probation, which stated "District Court No. 386th." The case was called to trial before Judge Mireles, Presiding Judge, in the 73rd Judicial District Court.

Held: Affirmed.

Opinion Text: Appellant contends there is no evidence in the record to indicate that the 73rd Court was designated by the County Juvenile Board as a Juvenile Court, thus the trial court lacked jurisdiction to hear the adjudication or disposition phases of her trial. The State, however, asserts that the case was never transferred to the 73rd Court and that Judge Mireles was, at all times, acting as Presiding Judge of the 386th Court in this matter. We agree with the State.

The Juvenile Justice Code, contained within the Family Code, confers to the juvenile court exclusive original jurisdiction over proceedings involving delinquent conduct committed by a person who is a child at the time he or she engaged in the delinquent conduct. Tex. Fam.Code Ann. § 51.04(a) (Vernon Supp.2001). A "juvenile court" is one designated under Section 51.04 of the Family Code. Tex. Fam.Code Ann. § 51.02(6) (Vernon Supp.2001). In each county, the juvenile board shall designate one or more courts as a juvenile court. Id. § 51.04(b). There is no dispute that the 386th Court is a juvenile court. Appellant takes issue with the fact that the case was called in the 73rd Court for the bench trial.

The Constitution provides that "the District Judges may exchange districts, or hold courts for each other when they may deem it expedient...." Tex. Const. art. V, § 11; see also In re Garza, 981 S.W.2d 438, 440-41 (Tex.App.--San

Antonio 1998, no pet .). This court, in Garza, held that, absent competent evidence to the contrary, once exclusive jurisdiction has been established in a particular court, the record should be clear that any district judge in the county acting in that case is doing so for that court. Id. at 441. Exclusive original jurisdiction was established in the 386th Court. There is no evidence that appellant's case was transferred to the 73rd Court. There is nothing in the record to indicate that Judge Mireles was not acting for the 386th Court when he heard the case and signed the documents. Each of the documents in the record bear the designation of the 386th Court. We therefore overrule appellant's first and second issues.

SUFFICIENCY OF THE EVIDENCE

We review appellant's challenge to the legal and factual sufficiency of the evidence under the traditional standards. Jackson v. Virginia, 443 U.S. 307, 319, 99 S.Ct. 2781, 2789 (1979) (legal sufficiency); see also Dewberry v. State, 4 S.W.3d 735, 740 (Tex.Crim.App.1999) (same); Cain v. State, 958 S.W.2d 404, 407 (Tex.Crim.App.1997) (factual sufficiency); Clewis v. State, 922 S.W.2d 126, 129 (Tex.Crim.App.1996) (same).

The appellant is a chronic runaway, and the complainant (Misty) is her older sister. The appellant, Misty, and another sister (Roxanne) all live with their mother. San Antonio police officer Anthony Sterling was familiar with appellant's background because he had been called to the house three to five times on reports that appellant had run away. This time, Sterling was called to the house to locate appellant and Roxanne, who had both run away. When Sterling arrived at the house, the mother told him that, before they ran away, appellant and Roxanne had assaulted Misty by hitting her in the face until she fell to the ground, almost unconscious. Sterling met with Misty, who appeared "roughed up." Sterling found appellant and Roxanne at a bus stop, about three blocks from their house, and he then took them into custody.

Misty testified that appellant hit her body several times with a closed fist, but she could not remember if appellant hit her in the face. She said the punches did not hurt her because she was mad, but she felt emotional pain. The mother testified that the children had fought all day, but she could not recall telling Sterling that appellant struck Misty, and she said she was in the shower when the altercation occurred.

We find the evidence legally and factually sufficient, and overrule appellant's third issue on appeal.

[2001 Case Summaries](#)

[2000 Case Summaries](#)

[1999 Case Summaries](#)