

## Juvenile Law Case Summaries

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### ***Failure to object to lack of proof of age waives claim for appeal [In re J.S.] (02-3-05).***

On May 30, 2002, the Dallas Court of Appeals held that the respondent did not preserve for appeal the absence of proof by the State of his age because he failed to object in a timely fashion in the trial court.

02-3-05. In the Matter of J.S., UNPUBLISHED, No. 05-01-00740-CV, 2001 WL 1130136, 2001 Tex.App.Lexis \_\_\_\_ (Tex.App.-Dallas 5/30/02) [Texas Juvenile Law (5th Edition 2000)].

Facts: In this case, J.S., a juvenile, complains the trial court did not have jurisdiction over his case because the State failed to prove he was an age that would confer jurisdiction in the trial court. We affirm the trial court's judgment. The background of the case and the evidence adduced at trial are well known to the parties, and therefore we limit recitation of the facts. We issue this memorandum opinion pursuant to Texas Rule of Appellate Procedure 47.1 because the law to be applied in the case is well settled.

Held: Affirmed.

Opinion Text: The trial court adjudicated that appellant engaged in delinquent conduct by committing the offense of aggravated sexual assault. In his sole issue on appeal, appellant challenges the trial court's jurisdiction, arguing that the State failed to prove he was an age that would confer jurisdiction. At trial, appellant never objected that, because of his age, the trial court did not have jurisdiction over his case. For this reason, he has waived the issue for appeal. See Tex. Fam.Code Ann. § 51.042(b) (Vernon 1996). We resolve appellant's sole issue against him.

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