

## Juvenile Law Case Summaries

By

**Robert O. Dawson**

Bryant Smith Chair in Law  
University of Texas School of Law

[2002 Case Summaries](#)   [2001 Case Summaries](#)   [2000 Case Summaries](#)   [1999 Case Summaries](#)

---

***Error in date of prior conviction allegation in criminal case does not convert adult conviction into juvenile adjudication [Houston v. State] (03-1-05).***

On December 10, 2002, the Dallas Court of Appeals held that a mistaken date allegation does not convert an adult conviction allegation into an juvenile delinquency allegation. Defendant pleaded true to the allegation so cannot challenge sufficiency of the proof.

03-1-05. Houston v. State, UNPUBLISHED, No. 05-02-00482-CR, 2002 WL 31750175, 2002 Tex.App.Lexis \_\_\_\_ (Tex.App.-Dallas 12/10/02) Texas Juvenile Law (5th Ed. 2000).

Facts: Appellant entered pleas of guilty to theft of property and forgery, and pleas of true to two enhancement paragraphs in each indictment. After finding appellant guilty and the enhancement paragraphs true, the trial court assessed punishment at five years' confinement and a \$500 fine in each case. In two points of error, appellant contends (1) the evidence is legally insufficient to prove one of the enhancement paragraphs, and (2) the trial judge was disqualified because of his prior representation of appellant.

Held: Affirmed.

Opinion Text: In his first point of error, appellant contends the evidence is legally insufficient to support the enhancement allegations in the theft case. In that case, one of the enhancement paragraphs alleged appellant had previously been "convicted" of a "felony, to-wit: SEXUAL ASSAULT, as charged in the indictment." Appellant pleaded true to the enhancement paragraph and the trial court found the enhancement paragraph true. In this point, appellant contends the evidence is legally insufficient to support the trial court's finding because the enhancement paragraph alleged a juvenile adjudication, not a felony conviction. See Sims v. State, 84 S.W.3d 768, 779 (Tex.App.-Dallas 2002, no pet.). To support this contention, appellant relies entirely on the fact the enhancement paragraph alleged he was convicted in 1977 (although the case had a 1996 cause number) at which time he was only seven years old. According to appellant, this shows he could not have been convicted as an adult. We disagree.

The enhancement paragraph alleged a felony conviction upon an indictment. The paragraph thus alleged appellant was convicted as an adult. Appellant pleaded true to the allegation. Appellant's plea alone was sufficient to show appellant had a prior felony conviction. See Dinn v. State, 570 S.W.2d 910, 915 (Tex.Crim.App. [Panel Op.] 1978); Washington v. State, 893 S.W.2d 107, 107 (Tex.App.-Dallas 1995, no pet.). Contrary to appellant's assertion, the date of the conviction (an apparent typographical error) is not alone sufficient to show appellant was adjudicated as a juvenile rather than convicted as an adult. Cf. Washington v. State, 905 S.W.2d 665, 668-69 (Tex.App.-Houston [14th Dist.] 1995, pet. ref'd)(clerical error does not render evidence insufficient to support enhancement paragraph). We overrule appellant's first point of error.

---

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