

Adjudication / Conviction of Juveniles in Municipal or Justice Court



Speaker Information

Lauro Trejo received his Bachelor of Arts degree in psychology from the University of Texas at Austin in May 1995, and his law degree from the Texas Tech School of Law in May 1998. He was licensed to practice law in November 1998 and began working at the Cameron County District Attorney's Office as an Assistant District Attorney from December 1998 through August 001. He spent a majority of his time at the Cameron County District Attorney's Office as a Juvenile Prosecutor. Mr. Trejo was then hired in September 2001 by the Cameron County Juvenile Board to serve as the Cameron County Juvenile Public Defender and has continued in this position since that time.

Contact Information

Lauro Trejo
Cameron County Juvenile Public Defender
Darrell B. Hester Juvenile Center
P.O. Box 1690
San Benito, Texas 78586
Telephone 956.399.3075

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Adjudication / Conviction of Juveniles in Municipal or Justice Court

I. Exclusive Original Jurisdiction

Applicable Statutes: Texas Family Code Section 51.04 and Section 51.03; Texas Penal Code Section 8.07

A. Juvenile Court

1. Felony offenses (delinquent conduct)
2. Class A and class B misdemeanor offenses (delinquent conduct)
3. Driving under the influence of alcohol by minor (3rd offense or more)(delinquent conduct)
4. Truancy offenses (CINS)
5. Runaway offenses (CINS)
6. Inhalant abuse offenses (CINS)
7. School expulsion offenses (CINS)
8. Failure to comply with a child at-risk court order under Section 264.305 of the Texas Family Code (CINS)(must be a "child" as defined under Section 51.02 of the Texas Family Code
9. Public intoxication offenses (CINS)

B. Municipal and Justice Courts

1. Class C misdemeanor offenses other than public intoxication offenses
2. "Traffic Offenses" defined under Section 51.02 of the Texas Family Code
3. Contempt of Court in a Municipal or Justice Court

II. Transfers

Applicable Statutes: Texas Family Code Section 54.021 and Section 51.08; Texas Code of Criminal Procedure Article 45.050

A. Discretionary Transfers from Juvenile Court to Municipal or Justice Court

1. Truancy offenses (may waive jurisdiction with permission)

B. Discretionary Transfers from Municipal or Justice Court to Juvenile Court

1. Class C Misdemeanor Offenses other than "Traffic Offenses" (CINS) (note: "Traffic Offenses" can never be transferred to Juvenile Court)
2. Contempt of Municipal or Justice Court Order (delinquent conduct)

C. Mandatory Transfers from Municipal or Justice Court to Juvenile Court

1. Class C Misdemeanor offenses other than "Traffic Offenses" when juvenile has been previously convicted of two Class C Misdemeanors (CINS)

2. Transfer is not mandatory if Municipal or Justice Court has in place a Juvenile Case Manager Program

D. Juvenile Detention Center

1. Juveniles may not be detained under the jurisdiction of Municipal or Justice Court
2. Juveniles may be detained if jurisdiction is transferred from Municipal or Justice Court to Juvenile Court

E. Discretionary Transfer Double Jeopardy Issues

1. Municipal or Justice courts may waive jurisdiction and refer case to Juvenile Court

or

2. Municipal or Justice Court may retain jurisdiction and keep case

III. General Information

- A. Class C convictions included in a social history in a juvenile court disposition hearing can have a much bigger impact than a Class C conviction included in a pre-sentencing investigation in an adult criminal district court punishment stage proceeding
- B. No right to counsel in Municipal or Justice Court
- C. See Texas Code of Criminal Procedure Chapter 45 for Justice or Municipal Court Procedures
- D. Juveniles in Municipal or Justice Court are CONVICTED, not adjudicated