

**JUVENILE COURT WAIVER OF JURISDICTION
AND DISCRETIONARY TRANSFER TO CRIMINAL COURT**

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JUVENILE COURT WAIVER OF JURISDICTION AND DISCRETIONARY TRANSFER TO CRIMINAL COURT

I. INTRODUCTION

In Texas, the Family Code establishes the juvenile court's power of exclusive jurisdiction over all proceedings involving a child. The Code defines a child as a person who is between the ages of ten and sixteen years old or a person over the age of seventeen who is alleged or found to engage in delinquent conduct before turning seventeen. TEX. FAM. CODE §51.02(2). The process by which a child is transferred from juvenile court to adult criminal court is categorized in the code as Waiver of Jurisdiction and Discretionary Transfer to Criminal Court. TEX. FAM. CODE §54.02. More commonly this procedure is referred to as Certification to Criminal Court or Discretionary Transfer. For purposes of this paper, a child as defined by the Family Code will be referred to as a juvenile. The procedure of Waiver of Jurisdiction and Discretionary Transfer to Criminal Court will be referred to as Certification.

Certification is the process that a Juvenile Court uses to waive the jurisdictional power to try the juvenile offender's case and transfer it to the proper adult criminal court. Starting as young as age fourteen, a juvenile who commits a serious offense may be transferred to adult criminal court for trial. The Family Code sets out the strict guidelines that the juvenile courts must comply with in order to waive jurisdiction and transfer a juvenile to adult court.

The age of the juvenile at the time the offense was allegedly committed determines whether they are eligible to be transferred by certification to adult criminal court. First, the State must file a petition for waiver and transfer. The petition may contain multiple allegations and criminal transactions in a single pleading. A petition cannot be filed after a juvenile is adjudicated for the alleged offense. TEX. FAM. CODE §54.02(a)(2). Once the petition is filed, if the juvenile is in detention or there is a warrant to take the child into custody immediately, the juvenile court is required to set a time for the hearing within ten working days. TEX. FAM. CODE §53.05; TEX. FAM. CODE §53.06(d).

It is required that the juvenile is given proper notice of the proceedings. TEX. FAM. CODE §54.02(b). Notice is referred to as the summons and must expressly state that the purpose of the hearing is to consider discretionary transfer to criminal court. *Id.* The hearing is conducted without a jury after a full investigation of the juvenile. The investigation includes a diagnostic study and social evaluation of the child. The juvenile court must find that there is probable cause to believe the juvenile committed the alleged offense and based on certain factors listed in the Family Code, the juvenile should be transferred to adult court.

There are different requirements for certification for a person over eighteen years old at the time of the process, but committed the delinquent conduct as a juvenile. Once the juvenile is transferred and jurisdiction waived, the criminal court may not remand the case back to the juvenile court. TEX. FAM. CODE § 54.02(i). Once certified, the juvenile also loses of all the additional protections that the juvenile system provides accept with regards to the place of pre-trial confinement. Recent legislation allows the juvenile judge to house the certified child in a juvenile detention facility pending the criminal trial if bond is not made. TEX. FAM. CODE § 54.02(p). The juvenile only has a right to appeal the conviction or deferred adjudication for the transferred conduct. *Rodriguez v. State*, 191 S.W. 3d 909, 910 (Tex. App.—Dallas 2006, no pet.).

II. ELIGIBILITY

A juvenile's transfer eligibility to an adult criminal court depends on two main factors: (1) the offense the juvenile is alleged to have committed and (2) the age of the juvenile at the time of the offense. The age of the juvenile at the time of the hearing is important because it determines the procedures the State must follow to file a petition for certification. The Code establishes different procedures and requirements classifications; specifically, (1) a juvenile who commits a crime at age fourteen who is eligible for transfer for limited offenses, (2) a juvenile who commits any felony at age fifteen, and (3) a juvenile who is eighteen years old before the certification order.

A. FOURTEEN YEARS OLD AND OVER JUVENILE OFFENDERS

Under the Code, fourteen is the minimum age at which a juvenile can be certified to an adult criminal court. However, certification for a fourteen year old applies to certain violent crimes. A juvenile is eligible for discretionary transfer if he or she is fourteen years of age or older at the time of the offense and the offense is a capital felony, an aggravated controlled substance felony that carries a higher minimum term or fine than a first degree felony, and last, if the juvenile commit a first degree felony. TEX. FAM. CODE §54.02(a)(2)(A). A juvenile that is fourteen who commits a second degree, third degree or state jail felony cannot be certified.

B. FIFTEEN YEARS OLD AND OVER JUVENILE OFFENDERS

If a juvenile who is fifteen years of age or older commits any felony, including second or third degree, or a state jail felony, they are eligible to be transferred to adult criminal court. TEX. FAM. CODE §54.02(a)(2)(B). In essence, a juvenile who is age fifteen or sixteen and commits any felony is eligible to be certified and transferred to an adult criminal court. A juvenile cannot be prosecuted or convicted of an offense before turning seventeen unless the juvenile court waives its jurisdiction and certifies the juvenile to be transferred to adult court for criminal prosecution. TEX. PENAL CODE §8.07(b).

C. EIGHTEEN YEARS OLD AND OVER JUVENILE OFFENDERS

The Family Code permits a juvenile court to certify and transfer a juvenile offender who is eighteen years or older, as long as he or she committed the offense as a juvenile. Sections 54.02 (j) through (l) of the Family Code set forth the specific requirements if the State wants to file a petition for certification of a juvenile eighteen years or older. The requirements to certify and transfer a juvenile age eighteen or over are different than those required for the juvenile is between the age of fourteen and seventeen. The factors that determine whether the State can file a petition are based on the type of offense the juvenile is alleged to have committed and the age of the juvenile at the time of its commission.

The first age category to be certified for juveniles eighteen years or older is that the person was over the age of ten and under seventeen years old at the time and the person is alleged to have committed a capital felony or murder. TEX. FAM. CODE §54.02(j)(2)(A). This provision became a part of the juvenile system when the Code was amended by the legislature in 1999. The purpose was to coincide with the statutory law for murder in which there is no statute of limitations. The second category when a person age eighteen or older can be certified and transferred if he was between the age of fourteen or older and under seventeen years old at the time and the alleged offense is an aggravated controlled substance felony or a first degree felony other than murder. TEX. FAM. CODE §54.02(j)(2)(B). And third, if the person was fifteen years of age or older and under seventeen at the time they are alleged to have committed a second or third degree or state jail felony, then they are eligible for certification. TEX. FAM. CODE §54.02(j)(2)(C).

Following the age qualifications, the due diligence requirement for eligibility of a person over eighteen years of age is the main distinction between the procedures for certification. The Family Code clearly outlines the three justifications of due diligence the State must show for not filing for certification before the juvenile reached the age of eighteen. If the State is unable to justify by a preponderance of the evidence the reason for the delay then the juvenile court does not have jurisdiction to transfer the case to adult criminal court. The three ways the State can show due diligence for not filing a petition for certification before the juvenile reached the age of eighteen; (1) the State did not have probable cause to proceed in Juvenile Court and new evidence was found since the juvenile became eighteen years old, (2) the juvenile could not be found, (3) the previous transfer order was reversed by an appellate court or set aside by a district court. TEX. FAM. CODE §54.02(j)(4)(B).

Once the State establishes proper age qualifications and due diligence it must show there is no adjudication in regard to the alleged offense or no adjudication hearing concerning the offense and probable cause that the juvenile committed the offense alleged. TEX. FAM. CODE §54.02(j)(3); *id.* §54.02(j)(5).

III. JUVENILE’S RIGHTS DURING A DISCRETIONARY TRANSFER TO CRIMINAL COURT PROCEEDING

It is often a concern whether a juvenile’s constitutional rights are sufficiently protected to ensure against any violation by the juvenile system. In *Matter of P.B.C.*, 538 S.W.2d 448 (Tex. Civ. App. – El Paso 1976), the Civil Appeals Court held that a juvenile does not have a constitutional right to be tried in juvenile court. Thus supporting the constitutionality of a juvenile court to waive jurisdiction and transfer the case to an adult criminal court. One of the leading United States Supreme Court cases on juvenile rights is *Kent v. United States*, 383 U.S. 541 (U.S. 1966). In *Kent*, a juvenile on probation was arrested for rape and robbery. *Id.* The trial court waived its jurisdiction and transferred the case to adult court without a hearing, performing an investigation, or ruling on any of the defense counsel’s motions and the conviction was affirmed by the court of appeals. The Supreme Court reversed and remanded the trial court’s decision holding that a juvenile has due process rights when a juvenile court proceeds with a waiver of jurisdiction. This established that a hearing must be conducted before the juvenile court can waive jurisdiction and transfer a juvenile case to adult court. The Court stated, “that the waiver of jurisdiction is a ‘critically important’ action determining vitally important statutory rights of the juvenile.” *See id.* at 556.

A. NOTICE AND PETITION REQUIREMENTS

Kent introduced the guidelines that the Texas Family Code adopted for certification. The requirements include that juvenile respondents are entitled to due process to receive proper notice of the petition filed by the State for the

certification hearing, a right to counsel, a right of confrontation, and privilege against self-incrimination. The notice requirement is an important step for the juvenile court to properly waive jurisdiction. Once the State has filed its petition to transfer the juvenile to adult criminal court, statute requires that the juvenile court set a time for the hearing within ten days of the petition’s filing. TEX. FAM. CODE §53.05. The summons must be served to the child, the child’s parent, the child’s guardian ad litem, or any other person who appears to be a proper party to the proceeding. TEX. FAM. CODE §53.06.

It is also required that the person served with a summons is in the state of Texas, can be found, and that the summons is served at least two days before the hearing. TEX. FAM. CODE §53.07 (a). Similar to most notice requirements, if the person is within Texas, but cannot be found, a summons may be mailed to them by registered or certified mail at least five days before the hearing. *Id.* If the person is outside of the state and can be found, a summons may be sent by certified mail as long as it is with due diligence and at least five days before the hearing. *Id.* Failure to comply with the notice requirements for discretionary transfer deprives the juvenile court of its jurisdiction to even consider the transfer. *See Johnson v. State*, 594 S.W. 2d 83, 84 (Tex. Crim. App. 1980).

In order to meet the notice requirements, the petition filed by the State must contain certain elements. These elements include: the time, place, and manner of the alleged acts, the penal law or standard of conduct allegedly violated by the child’s acts, the name, age, and residence address, if known, of the child who is the subject of the petition, the name and residence address, if known, of the child’s parent, guardian, or custodian, and the name and address of the child’s spouse, if any. TEX. FAM. CODE §53.04(d). If the State cannot find the child’s parents or custodian and they do not live in Texas, the petition may list the name and residence of the known adult relative who lives in Texas. The petition should also include if the child is alleged to have engaged in habitual felony conduct and the previous adjudications in which the child was found to have engaged in felonious conduct.

The petition must state the purpose of the hearing. TEX. FAM. CODE §54.02(b). For juveniles under the age of eighteen, the petition must state that the purpose of the hearing is to consider the discretionary transfer of the child to criminal court. *Id.* If the juvenile is age eighteen or older, the petition must state that the purpose of the hearing is to waive jurisdiction and transfer to criminal court. TEX. FAM. CODE §54.02 (j) (k). The petition should be styled “In the Matter of _____,” and the State may file based on information and belief. TEX. FAM. CODE §53.04. If the juvenile does not answer the petition than the court assumes that the child generally denies the conduct alleged in the State’s petition. TEX. FAM. CODE §53.04(e).

B. DUE PROCESS REQUIREMENTS

Due process demands the right to counsel in juvenile certification proceedings. The court in *Kent* explained that the right to counsel is “of the essence of justice.” *See Kent*, 383 U.S. at 561. A child’s right to counsel cannot be waived for a hearing to consider transfer to criminal court. TEX. FAM. CODE §51.10(b)(1). A transfer proceeding conducted without the presence of counsel is reversible error. *See In the Matter of D.L.J.*, 981 S.W.2d 815 (Texas. App. – Houston [1st Dist.] 1998, no writ).

IV. DIAGNOSTIC STUDY, SOCIAL EVALUATION & INVESTIGATION OF JUVENILE

Once the State files the petition but before the hearing can take place, the Family Code Section 54.02(d) requires that the juvenile court conduct a complete diagnostic study, social evaluation, and investigation of the juvenile. These are mandatory proceedings for transfer hearings whether the juvenile is under age eighteen or over. They are not required for mandatory certification hearings, which will be discussed later in this essay. *See TEX. FAM. CODE §54.02(n)*. Failure by the juvenile court to order the diagnostic study, evaluation and investigation will result in reversal of the discretionary transfer hearing. *See R.E.M. v. State*, 532 S.W.2d 645 (Tex. Civ. App. – San Antonio 1975, no writ and ref’d denied). Also, the juvenile court may not refuse to order the study. *See Moreno v. State*, 510 S.W. 2d 116, 118 (Civ. App., Tyler 1974, ref. n.r.e.).

A. THE DIAGNOSTIC STUDY AND FULL INVESTIGATION

The diagnostic study usually includes a physiological examination, a psychiatric evaluation, and a report from the probation caseworker. The Family Code requires a complete diagnostic study, but if the juvenile refuses to cooperate, the report may be incomplete. In *R.E.M. v. State*, 541 S.W.2d 841, the appellate court rejected the argument that the report was not complete as required by section 54.02(d) of the Family Code. The court explained that the State attempted to complete the required study and reports, but the juvenile refused to cooperate and therefore, the study was adequate as a diagnostic study to meet the requirements to proceed with the transfer proceeding. The purpose of a full investigation is to help determine the circumstances of the juvenile and to give the court enough information to make an informed decision about the certification.

B. REQUIREMENTS OF DIAGNOSTIC STUDY AND FULL INVESTIGATION

The Code does not define what must be included in the diagnostic study or what merits a full investigation of the circumstances of the offense, thus, giving the court discretion to ascertain when a study and investigation are complete. See *In re I.B.*, 619 S.W.2d 584 (Tex. Civ. App. – Amarillo 1981, no writ). Completeness of the diagnostic and the full investigation are also an issue. In *In the Matter of C.C.*, the Court of Appeals rejected the argument that the investigation was incomplete because the juvenile’s family had not cooperated with the investigating officer. *In the Matter of C.C.*, 930 S.W.2d 929 (Tex. App. – Austin 1996, no writ). The course and scope of an investigation will vary according to the circumstances surrounding the events. *In re I.B.*, 619 S.W.2d 584, 586 (Tex. Civ. App.--Amarillo 1981, no writ). The issue of whether an investigation is complete is determined by the court that ordered the investigation. *Id.*

There is often an issue with the requirement for the hearing within ten days of filing because the diagnostic study often takes longer than ten days to conduct. Courts interpret the ten-day rule to mean that the court must set a hearing date that is within ten days. It is not required that the court complete the hearing within ten days. See *L.L.S. v. State*, 565 S.W. 2d 252, 255 (Civ. App., Dallas 1978, ref. n.r.e.).

V. THE TRANSFER HEARING

The juvenile court is required to conduct a transfer hearing to determine whether to certify and transfer the juvenile to adult criminal court or to retain jurisdiction and try the case in juvenile court. See TEX. FAM. CODE §54.02(c). A juvenile does not have a right to a trial by jury. *Id.*; *Matter of P.B.C.*, 538 S.W.2d 448, 453 (Civ. App., El Paso 1976, no writ). This is because of the informality of the proceeding and it is up to the judge to determine whether the best interests of the child and the community require the court to transfer the juvenile. See *Matter of Honsaker*, 539 S.W. 2d 198, 201 (Civ. App., Dallas 1976, ref. n.r.e.). The State must prove by a preponderance of the evidence that the proposed transfer best serves the interests of the child and society. See *id.*

A. THE RULES OF EVIDENCE AND TRANSFER HEARINGS

The Texas Rules of Evidence apply to certification proceedings, but the courts frequently consider evidence that would be inadmissible in other proceedings because the Family Code does not state the specific type of evidence that is permitted in a transfer hearing. The appellate court in *B.L.C. v. State*, explained that the purpose of the transfer hearing “is not to determine guilt or innocence but to establish whether the juvenile’s and society’s best interest would be served by maintaining juvenile custody of the child or by transferring him to a criminal district court for adult proceedings.” See *B.L.C. v. State*, 543 S.W.2d 151, 154 (Tex. Civ. App. – Houston [14th Dist.] 1976, writ ref’d n.r.e.). In *In the Matter of E.D.M.*, the juvenile court held that it was permissible to consider hearsay evidence in the transfer proceeding. See *In the Matter of E.D.M.*, 916 S.W.2d 9, 11-12 (Tex. App., Houston [1st Dist.] 1995). The juvenile court is not required to enter the mandatory diagnostic report into evidence, but it must take the report into consideration in making its decision. See *R.K.A. v. State*, 553 S.W.2d 781, 783 (Civ. App., Fort Worth 1977, no writ).

B. FACTORS CONSIDERED BY THE COURT DURING TRANSFER HEARINGS

The Code requires juvenile courts to consider certain factors at the hearing to make its decision whether to transfer the child to adult criminal court. See TEX. FAM. CODE §54.02(f). These include: whether the alleged offense was against a person or property, with greater weight in favor of the transfer given to offenses against the person; the sophistication and maturity of the child; the record and previous history of the child, and the prospects of adequate protection of the public and the likelihood of the rehabilitation of the child by use of procedures, services, and facilities currently available to the juvenile court. See TEX. FAM. CODE § 54.02(f).

The more violent the crime is against a person, the more likely that the juvenile is going to be transferred. See generally *B.L.B.L.C. v. State*, 543 S.W.2d 151, 154 (Civ. App., Houston [14th Dist.] 1976, ref. n.r.e.). An important part of the evaluation of the sophistication and maturity of the child is whether the child appreciates the nature an effect of their actions and if the child can realize they were right or wrong. See generally *Matter of E.D.N.*, 635 S.W.2d 798, 801 (Tex. App., Corpus Christi 1982, no writ). When looking at the child’s history and prior record, the court typically uses the information provided by the mandatory investigation and evaluation, but it may consider prior referrals and former adjudications. See TEX. FAM. CODE §54.02(d); See also *R.M. v. State*, 563 S.W. 2d 853, 855-857 (Civ. App., Austin 1978, no writ). The diagnostic study is useful to determine the child’s potential rehabilitation when taking the protection of the public into consideration. See generally *McKaine v. State*, 170 S.W.3d 285, 289 (Tex. App., Corpus Christi 2005, no pet.).

VI. TRANSFER HEARING FINDINGS

There are five basic requirements that the juvenile court should find before it may waive its jurisdiction. TEX. FAM. CODE §54.02 (a). The five requirements are: that the child is alleged to have committed a felony; the child was fourteen or older at the time a capital felony, an aggravated controlled substance felony, or a first degree felony was committed; the child was fifteen or older at the time any felony was committed; there has not been an adjudication hearing concerning the offense; there is probable cause to believe that the child committed the offense; and due to the seriousness of the offense or background of the child it is best for the welfare of the community to pursue criminal proceedings. If the juvenile is eighteen years of age or older, the Family Code requires the court to make additional findings of due diligence. TEX. FAM. CODE §54.02(j)(4).

The court is not required to make specific findings of fact for each of the requirements, but is only required to consider them in making the decision whether to transfer. *See Matter of J.R.C.*, 551 S.W.2d 748, 753 (Civ. App., Texarkana 1977, ref. n.r.e.). Of the five requirements, the only requirement that is mandatory is that the court order contains a finding of probable cause. *See In the Matter of R.P.*, 759 S.W.2d 181 (Tex. App. – San Antonio 1988, no writ). If the juvenile is alleged to have committed more than one offense, the juvenile court must find probable cause for each case transferred. *See In the Matter of R.A.G.*, 866 S.W.2d 199 (Tex. 1993).

One of the most important requirements in regard to the purpose of a certification proceeding is the community welfare provision. This requirement is distinguished from the others because on appeal the court will review this finding on both legal and factual sufficiency grounds. If there is a claim for factual insufficiency the court will look at all of the evidence, but if there is a claim for legal insufficiency, the court will look at only the evidence that supported the juvenile court's finding to determine whether the finding has rational support in the evidence. *See Green v. State*, unpublished, No. 05-97-01176-CR, 1999 WL 783734, 1999 Tex. App. Lexis 7328, Juvenile Law Newsletter 99-4-14 (Tex. App.—Dallas 10/3/99). If the juvenile prevails on a claim of legal insufficiency, the juvenile may not be transferred to adult criminal court. *See generally, In the Matter of A.T.S.*, 694 S.W.2d 252 (Tex. App. – Fort Worth 1985, writ granted). If the juvenile is successful on a claim of factual insufficiency then he or she is subject to re-certification in the event there is a hearing with new evidence. *See id.*

VII. TRANSFER ORDER

If the juvenile court waives its jurisdiction it is required to enter a transfer order that specifically states the reason for its decision and certify why it has reached that conclusion. TEX. FAM. CODE §54.02(h). The reason listed must be specific enough to give an appellate court the ability to review appropriately. *See generally Kent*, 383 U.S. at 561. The order should show that the court considered the four factors required by the Family Code, but it is not required to make specific findings of fact for each of the factors. *See J.D.J.D.P. v. State*, 609 S.W. 2d 868, 870 (Civ. App., Texarkana 1980, no writ.). It is only necessary for the order to state the findings of fact supporting just some of the factors. *See Q.V. v. State*, 564 S.W.2d 781, 784 (Civ. App., San Antonio 1978, ref. n.r.e.). The order does not have to state the specific crime that the juvenile may be charged with because the grand jury will issue an indictment once the juvenile's offense is in adult criminal court proceedings. *See generally Tatum v. State*, 534 S.W. 2d 678, 680 (Tex. Crim. App. 1976). The order should state the specific acts or incident that made up the crime. *See id.* Along with the order, the court should transfer the diagnostic study results and the investigation of the juvenile because it may be useful for the criminal prosecutor. *See Robert Dawson, Texas Juvenile Law*, 7th Edition (Austin: Texas Juvenile Probation Commission, August 2008), p. 174.

VIII. MANDATORY CERTIFICATIONS

The third type of certification for a juvenile is mandatory certification. Mandatory certification is not automatic and does not include all offenses committed by the juvenile; rather is the juvenile prosecutor determines whether to seek a mandatory transfer. The juvenile court shall waive its jurisdiction and transfer the juvenile to the appropriate adult criminal court for criminal proceedings if the juvenile has previously been transferred to adult criminal court through certification and has allegedly committed a felony. The four exceptions that would prevent a mandatory certification are if the juvenile was not indicted by the grand jury, the juvenile was found not guilty, the case transferred was dismissed with prejudice, or the juvenile was convicted in the case transferred, but the conviction was reversed on a final appeal. *See TEX. FAM. CODE §54.02(m)*. A mandatory transfer proceeding does not require the diagnostic study, investigation, or social evaluation of the juvenile prior to hearing. *See TEX. FAM. CODE § 54.02(n)*.

The summons requirements for the petition are also different for a mandatory certification proceeding. The requirement that the summons state the purpose of the hearing is to consider discretionary transfer to criminal court does not apply to a mandatory certification proceeding. *See id.* It is sufficient on a mandatory certification proceeding that the purpose of the hearing is to consider mandatory transfer. *See id.* The petition should also include the new alleged felony offense.

In order to be successful at a mandatory transfer hearing, the State must prove the prior transfer order and that none of the four conditions set out in Section 54.02(m)(1) of the Family Code are present. If any one of the four conditions are present, the court is not allowed to proceed with a mandatory transfer hearing. Although the Code does not address whether it is necessary for the court to determine probable cause for a mandatory transfer order, it requires the State to show probable cause that the child committed the alleged offense. See TEX. FAM. CODE § 54.02(a)(3). Therefore, it is appropriate for the court to make a finding of probable cause for the new felony allegedly committed by the juvenile in a mandatory transfer hearing.

IX. JUVENILE’S RIGHT TO APPEAL

Prior to January 1, 1996, a juvenile had the right to appeal a decision by the juvenile court to transfer to adult criminal court. For offenses committed after January 1, 1996, juveniles have no right to appeal to the Court of Appeals from a transfer order made by a juvenile court. An appeal about the lawfulness of a transfer proceeding is only permitted after conviction or deferred adjudication in adult criminal court of the actions that arose from the transferred conduct. See *Rodriguez v. State*, 191 S.W.3d 909 (Tex. App. – Dallas 2006, no pet.); CCP Art. 44.57.

X. CONCLUSION

The certification and transfer of a juvenile is a procedure less common in juvenile courts compared to the amount of determinate sentences given to juveniles. It is important to know the mandatory requirements and when a juvenile is eligible to be certified and transferred to an adult criminal court. Section 54.02 of the Family Code sets the guidelines and procedures for a juvenile court to conduct a transfer hearing in detail and contains most of the requirements if faced with filing a petition for a discretionary transfer hearing or defending a juvenile respondent who has committed a felony and is eligible for transfer.

NO. _____

SID# SID

IN THE MATTER OF: § IN THE ____ JUDICIAL DISTRICT COURT

§ OF BEXAR COUNTY, TEXAS

RESPONDENT’S NAME § SITTING AS THE JUVENILE COURT

ORIGINAL PETITION FOR WAIVER OF JURISDICTION AND
DISCRETIONARY TRANSFER TO CRIMINAL COURT

TO THE HONORABLE COURT:

Now comes SUSAN D. REED, Criminal District Attorney of Bexar County, Texas, hereinafter referred to as Petitioner, upon information in her possession and on the belief that said information is true, requesting that the Court order and obtain a complete diagnostic study, social evaluation, and full investigation of the child, the child's circumstances, and the circumstances of the OFFENSE alleged in this Original Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court, pursuant to Section 54.02 (a) of the Texas Family Code, and respectfully represents to the Court that there is probable cause to believe that RESPONDENT’S NAME committed the OFFENSE hereinafter alleged and, because of the seriousness of the alleged OFFENSE or the background of the child, the welfare of the community requires that the Juvenile Court waive jurisdiction and have RESPONDENT’S NAME transferred to Criminal Court for criminal proceedings concerning the following felony OFFENSE and all criminal conduct in said criminal episode episodes and respectfully shows the Court:

1. Petitioner alleges,
2. RESPONDENT’S NAME is a child, AGE years of age, who was born on D.O.B., who resides at address, SAN ANTONIO, BEXAR COUNTY, TEXAS 782Zip, and who is alleged to have committed the aforementioned felony OFFENSE.
3. No adjudication hearing has been conducted concerning said OFFENSE.
4. The PARENT/GUARDIAN of RESPONDENT’S NAME is/are PARENT/GUARDIAN, who reside resides at PARENT/GUARDIAN ADDRESS, SAN ANTONIO, BEXAR COUNTY, TEXAS 782Zip.
5. RESPONDENT’S NAME is sophisticated and mature enough that he/she should be treated as an adult.
6. There is probable cause to believe that RESPONDENT’S NAME committed the OFFENSE alleged in this Original Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court.
7. The prospects of adequate rehabilitation of RESPONDENT’S NAME and the adequate protection of the public by the use of procedures, services, and facilities currently available to the Juvenile Court is in serious doubt and warrant that he/she be treated as an adult.

Wherefore, Petitioner prays that summons as required by law be issued and that this Court set and conduct a hearing on the issue of waiver of jurisdiction in accordance with the provisions of Section 54.02 of the Texas Family Code, and that after said hearing, this Court waive jurisdiction and transfer RESPONDENT'S NAME to an appropriate Criminal Court of Bexar County, Texas, for criminal proceedings concerning the aforementioned felony OFFENSE and all criminal conduct occurring in said criminal episode episodes.

Respectfully submitted,
SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY

BY: _____
D.A. ATTORNEY
ASSISTANT CRIMINAL DISTRICT ATTORNEY
BEXAR COUNTY, TEXAS
STATE BAR NO BAR NO.

Initials/1/29/13

NO. _____

SID# SID

STATE OF TEXAS § IN THE ____ JUDICIAL DISTRICT COURT
COUNTY OF BEXAR § OF BEXAR COUNTY, TEXAS
IN THE MATTER OF: RESPONDENT’S NAME

MOTION FOR PSYCHOLOGICAL EXAM, DIAGNOSTIC STUDY,
SOCIAL EVALUATION, AND INVESTIGATION

The undersigned Assistant Criminal District Attorney moves the Court to order a psychological exam, diagnostic study, social evaluation, and full investigation of the child, his/her circumstances, and the circumstances of the OFFENSE alleged in this cause, and would show in support thereof that Respondent is presently charged with OFFENSE, alleged to have occurred on or about the Offense date, that he/she was born on D.O.B., and that an Original Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court has been filed. This motion is made pursuant to Section 54.02(d) of the Texas Family Code.

Respectfully submitted,
SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY
OF BEXAR COUNTY, TEXAS

By: _____
D.A. ATTORNEY
ASSISTANT CRIMINAL DISTRICT ATTORNEY
BEXAR COUNTY, TEXAS
STATE BAR NO BAR NO.

ORDER

The matter being nondiscretionary, the above motion is GRANTED. It is ORDERED that the Respondent be psychologically examined by RALEIGH D. WOOD, Ph.D., and that Probation Officer PROBATION OFFICER, prepare a diagnostic study, social evaluation, and investigation of the child and the circumstances of the alleged OFFENSE, including Dr. Wood’s findings, as well as serve this Motion and Order upon the child, RESPONDENT’S NAME, his/her parent or guardian, and his/her attorney.

The Order having been granted ex parte, a copy of this Motion and Order is to be made available to the attorney for Respondent forthwith, before any examination of the child takes place.

SIGNED and ORDERED this ____ day of _____, A.D., 20YEAR.

THE HONORABLE _____, JUDGE

JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

NO. _____

SID# SID

STATE OF TEXAS § IN THE _____ JUDICIAL DISTRICT COURT

COUNTY OF BEXAR § OF BEXAR COUNTY, TEXAS

IN THE MATTER OF: RESPONDENT’S NAME

ORDER

Pursuant to Section 53.07(c) of the Texas Family Code, it is the ORDER of this Court that PROBATION OFFICER, Probation Officer of the Bexar County Juvenile Probation Department, is hereby directed and authorized to serve summons under Cause No. _____ upon the child, RESPONDENT’S NAME, his/her parent or guardian, and his/her attorney.

SIGNED and ORDERED this _____ day of _____, A.D., 20YEAR.

THE HONORABLE _____, JUDGE

_____ JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

APPENDIX B

NO. _____

SID# SID

IN THE MATTER OF: § IN THE COURT JUDICIAL DISTRICT COURT

§ BEXAR COUNTY, TEXAS

RESPONDENT’S NAME § SITTING AS A JUVENILE COURT

ORDER OF COMMITMENT OF A JUVENILE
AFTER DISCRETIONARY TRANSFER HEARING

TO ANY SHERIFF OR ANY CONSTABLE WITHIN THE STATE OF TEXAS:

YOU ARE HEREBY COMMANDED TO TAKE INTO CUSTODY the person of RESPONDENT’S NAME, who is charged with the offense/offenses herein listed, and whose bond is set as follows:

<u>OFFENSE/OFFENSES</u>	<u>DATE</u>	<u>BOND</u>
TITLE OF OFFENSE	DATE	\$ <u>AMT</u>

and bring him/her forthwith, personally, to the Bexar County Adult Detention Center, pending further Orders of the Court.

YOU ARE FURTHER COMMANDED TO DETAIN said person in your custody until he/she shall be duly discharged by the Court.

HEREIN, FAIL NOT, but of this Writ, make prompt return showing how you have executed the same.
SIGNED and ENTERED this ____ day of _____, A.D., 20YEAR.

THE HONORABLE NAME, JUDGE
COURT JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

THE STATE OF TEXAS

VS.

RESPONDENT'S NAME

AFFIDAVIT FOR WARRANT OF ARREST

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned authority, on this day personally appeared affiant, who, after being duly sworn, on oath deposes and says that affiant has good reason to believe and does believe that on or about (INSERT OFFENSE); against the peace and dignity of the State.

AFFIANT

SWORN TO AND SUBSCRIBED before me, the ___ day of _____, A.D., 20YEAR.

SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY
OF BEXAR COUNTY, TEXAS

ASSISTANT CRIMINAL DISTRICT ATTORNEY

BEXAR COUNTY, TEXAS
STATE BAR NO. _____

THE STATE OF TEXAS

VS.

RESPONDENT'S NAME

AFFIDAVIT FOR WARRANT OF ARREST

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned authority, on this day personally appeared affiant, who, after being duly sworn, on oath deposes and says that affiant has good reason to believe and does believe that on or about (INSERT OFFENSE); against the peace and dignity of the State.

AFFIANT

SWORN TO AND SUBSCRIBED before me, the ___ day of _____, A.D., 20YEAR.

SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY
OF BEXAR COUNTY, TEXAS

ASSISTANT CRIMINAL DISTRICT ATTORNEY

BEXAR COUNTY, TEXAS
STATE BAR NO. _____

NO. _____

SID# SID

IN THE MATTER OF: § IN THE COURT JUDICIAL DISTRICT COURT

§ BEXAR COUNTY, TEXAS

RESPONDENT’S NAME § SITTING AS A JUVENILE COURT

WAIVER OF JURISDICTION AND ORDER OF TRANSFER TO CRIMINAL COURT

I.

On the ____ day of _____, A.D., 20(year), personally appeared: Respondent, RESPONDENT’S NAME; his/her defense Attorney, DEFENSE ATTORNEY; and Petitioner, The State of Texas through an Assistant Criminal District Attorney, for a hearing on the State's Original/First Amended/Second Amended/ etc. Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court of RESPONDENT’S NAME; and all parties present announced ready for said hearing.

II.

While hearing evidence at the proceeding, the Court considered, among other matters, the following:

- 1. Whether the alleged offense was /offenses were against person and/or property, with greater weight in favor of transfer given to an offense/offenses against person;
- 2. The sophistication and maturity of the child;
- 3. The record and previous history of the child;
- 4. The prospects of adequate protection of the public and the likelihood of rehabilitation of the child by the use of procedures, services, and facilities currently available to the Juvenile Court; and
- 5. Whether there is probable cause to believe that the child committed the offense/offenses listed below.

III.

After careful consideration of all the evidence presented, the Court finds the following:

- 1. RESPONDENT’S NAME is alleged to have committed an offense/offenses in violation of the penal laws of the State of Texas, NAMELY: (OFFENSE Note: Uppercase), in that on or about (INSERT ¶)
- 2. RESPONDENT’S NAME is a male/female child who was born on Date of Birth (Spell out example January 1, 1999); who is AGE (Spell out) years of age at the present time; and who resides at Address, SAN ANTONIO, BEXAR COUNTY, TEXAS 782zip.
- 3. RESPONDENT’S NAME was FOURTEEN OR FIFTEEN (Note: refer back to draft sheet) years of age or older but under SEVENTEEN (17) years of age at the time he/she is alleged to have

committed the offense/offenses set forth above which (is a felony OR are felonies) Note: refer back to draft sheet of the degree/degrees Note: Indicate each degree.

4. The PARENTS/FATHER/MOTHER/GUARDIAN of RESPONDENT’S NAME is/are NAME, who reside/resides at Address, SAN ANTONIO, BEXAR COUNTY, TEXAS 782zip.
5. No adjudication hearing has been conducted to this point concerning the offense/offenses set forth above.
6. The Petitions and notice requirements of Sections 53.04, 53.05, 53.06, and 53.07 of the Texas Family Code have been satisfied, and proper summons notifying the parties that the hearing was for the purpose of considering waiver of jurisdiction and transfer to criminal court were served upon Respondent, his/her parent or guardian, and his/her attorney.
7. Prior to the hearing, the Court ordered and obtained a psychological examination, complete diagnostic study, social evaluation, and full investigation of the child, his/her circumstances, and the circumstances of the alleged offense/offenses.
8. The Court has considered whether the alleged offense was /offense were against person or property, and the Court finds the offense was/ offense were against the person.
9. The Court considered the sophistication and maturity of Respondent and finds that this Respondent is sophisticated and mature enough to be transferred into the criminal justice system, and that he/she understands the allegations, the court proceedings, and their possible consequences.
10. The Court considered the record and previous history of the child, the prospects of adequate protection of the public, and the likelihood of rehabilitation of the child by use of procedures, services and facilities currently available to the Juvenile Court, and the Court finds the procedures, services and facilities currently available to the Juvenile Court are inadequate for the rehabilitation of the child while also protecting the public.
11. A full investigation and hearing of the child, his/her circumstances, and the circumstances of the offense was / offenses were conducted by this Court and the Court finds that there is probable cause to believe that the child committed the offense/offenses and, because of the seriousness of the offense/offenses and the background of the child, the welfare of the community requires that criminal proceedings proceed in Criminal District Court.

IV.

It is ORDERED that the jurisdiction of the COURT Judicial District Court of Bexar County, Texas, sitting as a Juvenile Court, be and is hereby waived in this cause.

It is further ORDERED that RESPONDENT’S NAME be transferred to the appropriate Criminal District Court of Bexar County, Texas, for criminal proceedings as an adult, in accordance with the Texas Code of Criminal Procedure.

This cause is hereby CERTIFIED on the offense/offenses of: OFFENSE.

The order of the Court and its certification are based on the following reasons and the Court has specifically considered the matters of Section 54.02 of the Texas Family Code:

1. (BLOCK AND COPY SECTION III ABOVE)

V.

RESPONDENT'S NAME is remanded to the custody of the Sheriff of Bexar County, Texas, with bond set at _____ for the offense/offenses of OFFENSE alleged to have occurred on or about OFFENSE DATE (Note: January 1, 1999); and with bond set at _____ for the offense/offenses of OFFENSE alleged to have occurred on or about OFFENSE DATE (Note: January 1, 1999).

SIGNED and ENTERED this ____ day of _____, A.D., 20YEAR.

THE HONORABLE JUDGE, JUDGE
COURT JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

NO. _____

SID# SID

IN THE MATTER OF: § IN THE ____ JUDICIAL DISTRICT COURT
 § OF BEXAR COUNTY, TEXAS
RESPONDENT'S NAME § SITTING AS THE JUVENILE COURT

ORIGINAL PETITION FOR WAIVER OF JURISDICTION AND
DISCRETIONARY TRANSFER TO CRIMINAL COURT

TO THE HONORABLE COURT:

Now comes SUSAN D. REED, Criminal District Attorney of Bexar County, Texas, hereinafter referred to as Petitioner, upon information in her possession and on the belief that said information is true, requesting that the Court order and obtain a complete diagnostic study, social evaluation, and full investigation of the child, the child's circumstances, and the circumstances of the OFFENSE alleged in this Original Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court, pursuant to Section 54.02 (1) of the Texas Family Code, and respectfully represents to the Court that there is probable cause to believe that RESPONDENT'S NAME committed the OFFENSE hereinafter alleged and, because of the seriousness of the alleged OFFENSE or the background of the child, the welfare of the community requires that the Juvenile Court waive jurisdiction and have RESPONDENT'S NAME transferred to Criminal Court for criminal proceedings concerning the following felony OFFENSE and all criminal conduct in said criminal episode/episodes and respectfully shows the Court:

1. Petitioner alleges, that on or about INSERT
2. RESPONDENT'S NAME is EIGHTEEN (18) years of age at the present time; was FOURTEEN OR FIFTEEN Note: refer back to draft sheet years of age or older but under SEVENTEEN (17) years of age at the time he/she is alleged to have committed the OFFENSE set forth above which is a felony/are felonies of the degree/degrees Note: Indicate each degree; and resides at Address, SAN ANTONIO, BEXAR COUNTY, TEXAS 782Zip.
3. No adjudication hearing has been conducted concerning said OFFENSE.
4. The PARENT/GUARDIAN of RESPONDENT'S NAME is/are PARENT/GUARDIAN who reside/resides at Address, SAN ANTONIO, BEXAR COUNTY, TEXAS 782Zip.
5. There is probable cause to believe that RESPONDENT'S NAME committed the OFFENSE alleged in this Original Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court.
6. {18a}{18b}{18c}{18d} Note: refer back to draft sheet

Wherefore, Petitioner prays that summons as required by law be issued and that this Court set and conduct a hearing on the issue of waiver of jurisdiction in accordance with the provisions of Section 54.02 of the Texas Family Code, and that after said hearing, this Court waive jurisdiction and transfer RESPONDENT'S NAME to an appropriate Criminal Court of Bexar County, Texas, for criminal proceedings concerning the aforementioned felony OFFENSE and all criminal conduct occurring in said criminal episode/episodes.

Respectfully submitted,
SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY

BY: _____
D.A. ATTORNEY
ASSISTANT CRIMINAL DISTRICT ATTORNEY
BEXAR COUNTY, TEXAS
STATE BAR NO. BAR NO.

Initials1/29/13

NO. _____

SID# SID

STATE OF TEXAS § IN THE _____ JUDICIAL DISTRICT COURT

COUNTY OF BEXAR § OF BEXAR COUNTY, TEXAS

IN THE MATTER OF: RESPONDENT’S NAME

MOTION FOR PSYCHOLOGICAL EXAM, DIAGNOSTIC STUDY,
SOCIAL EVALUATION, AND INVESTIGATION

The undersigned Assistant Criminal District Attorney moves the Court to order a psychological exam, diagnostic study, social evaluation, and full investigation of the child, his/her circumstances, and the circumstances of the OFFENSE alleged in this cause, and would show in support thereof that Respondent is presently charged with OFFENSE alleged to have occurred on or about Offense date. If more than one offense type next offense after this one; that he/she was born D.OB.; and that a Original/First Amended Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court has been filed. This motion is made pursuant to Section 54.02(d) of the Texas Family Code.

Respectfully submitted,
SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY
OF BEXAR COUNTY, TEXAS

By: _____

D.A. ATTORNEY

ASSISTANT CRIMINAL DISTRICT ATTORNEY
BEXAR COUNTY, TEXAS
STATE BAR NO. BAR NO.

ORDER

The matter being nondiscretionary, the above motion is GRANTED. It is ORDERED that the Respondent be psychologically examined by RALIEGH D. WOOD, Ph.D., and that Probation Officer PROBATION OFFICER prepare a diagnostic study, social evaluation, and investigation of the child and the circumstances of the alleged OFFENSE, including Dr. Wood’s findings, as well as serve this Motion and Order upon the child, RESPONDENT’S NAME, his/her parent or guardian, and his/her attorney.

The Order having been granted ex parte, a copy of this Motion and Order is to be made available to the attorney for Respondent forthwith, before any examination of the child takes place.

SIGNED and ORDERED this ____ day of _____, A.D., 20YEAR.

THE HONORABLE _____, JUDGE
_____, JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

NO. _____

SID# SID

STATE OF TEXAS § IN THE _____ JUDICIAL DISTRICT COURT

COUNTY OF BEXAR § OF BEXAR COUNTY, TEXAS

IN THE MATTER OF: RESPONDENT’S NAME

ORDER

Pursuant to Section 53.07(c) of the Texas Family Code, it is the ORDER of this Court that PROBATION OFFICER, Probation Officer of the Bexar County Juvenile Probation Department, is hereby directed and authorized to serve summons under Cause No. _____, upon the child, RESPONDENT’S NAME, his/her parent or guardian, and his/her attorney.

SIGNED and ORDERED this _____ day of _____, A.D., 20YEAR.

THE HONORABLE _____, JUDGE
_____ JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

NO. _____

SID# SID

IN THE MATTER OF: § IN THE ___ JUDICIAL DISTRICT COURT

§ OF BEXAR COUNTY, TEXAS

RESPONDENT’S NAME § SITTING AS THE JUVENILE COURT

ORIGINAL PETITION FOR WAIVER OF JURISDICTION AND
DISCRETIONARY TRANSFER TO CRIMINAL COURT

TO THE HONORABLE COURT:

Now comes SUSAN D. REED, Criminal District Attorney of Bexar County, Texas, hereinafter referred to as Petitioner, upon information in her possession and on the belief that said information is true, requesting that the Court order and obtain a complete diagnostic study, social evaluation, and full investigation of the child, the child's circumstances, and the circumstances of the OFFENSE alleged in this Original Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court, pursuant to Section 54.02 (1) of the Texas Family Code, and respectfully represents to the Court that there is probable cause to believe that RESPONDENT’S NAME committed the OFFENSE hereinafter alleged and, because of the seriousness of the alleged OFFENSE or the background of the child, the welfare of the community requires that the Juvenile Court waive jurisdiction and have RESPONDENT’S NAME transferred to Criminal Court for criminal proceedings concerning the following felony OFFENSE and all criminal conduct in said criminal episode/episodes and respectfully shows the Court:

1. Petitioner alleges, that on or about INSERT
2. RESPONDENT’S NAME is EIGHTEEN (18) years of age at the present time; was FOURTEEN OR FIFTEEN Note: refer back to draft sheet years of age or older but under SEVENTEEN (17) years of age at the time he/she is alleged to have committed the OFFENSE set forth above which is a felony/are felonies of the degree/degrees Note: Indicate each degree; and resides at Address, SAN ANTONIO, BEXAR COUNTY, TEXAS 782Zip.
3. No adjudication hearing has been conducted concerning said OFFENSE.
4. The PARENT/GUARDIAN of RESPONDENT’S NAME is/are NAME OF PARENT/GUARDIAN who reside/resides at Address, SAN ANTONIO, BEXAR COUNTY, TEXAS 782Zip.
5. There is probable cause to believe that RESPONDENT’S NAME committed the OFFENSE alleged in this Original Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court.
6. {18a}{18b}{18c}{18d} Note: refer back to draft sheet

Wherefore, Petitioner prays that summons as required by law be issued and that this Court set and conduct a hearing on the issue of waiver of jurisdiction in accordance with the provisions of Section 54.02 of the Texas Family Code, and that after said hearing, this Court waive jurisdiction and transfer RESPONDENT'S NAME to an appropriate Criminal Court of Bexar County, Texas, for criminal proceedings concerning the aforementioned felony OFFENSE and all criminal conduct occurring in said criminal episode/episodes.

Respectfully submitted,
SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY

BY: _____
D.A. ATTORNEY
ASSISTANT CRIMINAL DISTRICT ATTORNEY
BEXAR COUNTY, TEXAS
STATE BAR NO. BAR NO.

Initials/1/29/13

NO. _____

SID# SID

STATE OF TEXAS § IN THE _____ JUDICIAL DISTRICT COURT

COUNTY OF BEXAR § OF BEXAR COUNTY, TEXAS

IN THE MATTER OF: RESPONDENT’S NAME

MOTION FOR PSYCHOLOGICAL EXAM, DIAGNOSTIC STUDY,
SOCIAL EVALUATION, AND INVESTIGATION

The undersigned Assistant Criminal District Attorney moves the Court to order a psychological exam, diagnostic study, social evaluation, and full investigation of the child, his/her circumstances, and the circumstances of the OFFENSE alleged in this cause, and would show in support thereof that Respondent is presently charged with OFFENSE alleged to have occurred on or about Offense date. If more than one offense type next offense after this one; that he/she was born D.O.B.; and that a Original/First Amended Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court has been filed. This motion is made pursuant to Section 54.02(d) of the Texas Family Code.

Respectfully submitted,
SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY
OF BEXAR COUNTY, TEXAS

By: _____

D.A. ATTORNEY

ASSISTANT CRIMINAL DISTRICT ATTORNEY
BEXAR COUNTY, TEXAS
STATE BAR NO. BAR NO.

ORDER

The matter being nondiscretionary, the above motion is GRANTED. It is ORDERED that the Respondent be psychologically examined by RALIEGH D. WOOD, Ph.D., and that Probation Officer PROBATION OFFICER prepare a diagnostic study, social evaluation, and investigation of the child and the circumstances of the alleged OFFENSE, including Dr. Wood’s findings, as well as serve this Motion and Order upon the child, RESPONDENT’S NAME, his/her parent or guardian, and his/her attorney.

The Order having been granted ex parte, a copy of this Motion and Order is to be made available to the attorney for Respondent forthwith, before any examination of the child takes place.

SIGNED and ORDERED this _____ day of _____, A.D., 20YEAR.

THE HONORABLE _____, JUDGE

JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

NO. _____

SID# SID

STATE OF TEXAS § IN THE _____ JUDICIAL DISTRICT COURT

COUNTY OF BEXAR § OF BEXAR COUNTY, TEXAS

IN THE MATTER OF: RESPONDENT’S NAME

ORDER

Pursuant to Section 53.07(c) of the Texas Family Code, it is the ORDER of this Court that PROBATION OFFICER, Probation Officer of the Bexar County Juvenile Probation Department, is hereby directed and authorized to serve summons under Cause No. _____, upon the child, RESPONDENT’S NAME, his/her parent or guardian, and his/her attorney.

SIGNED and ORDERED this _____ day of _____, A.D., 20YEAR.

THE HONORABLE _____, JUDGE

_____ JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

NO. _____

SID# SID

IN THE MATTER OF: § IN THE COURT JUDICIAL DISTRICT COURT

§ BEXAR COUNTY, TEXAS

RESPONDENT'S NAME § SITTING AS A JUVENILE COURT

ORDER OF COMMITMENT OF A JUVENILE
AFTER DISCRETIONARY TRANSFER HEARING

TO ANY SHERIFF OR ANY CONSTABLE WITHIN THE STATE OF TEXAS:

YOU ARE HEREBY COMMANDED TO TAKE INTO CUSTODY the person of
RESPONDENT'S NAME, who is charged with the offense/offenses herein listed, and whose bond is set
as follows:

<u>OFFENSE</u>	<u>DATE</u>	<u>BOND</u>
TITLE OF OFFENSE	DATE	\$ _____
TITLE OF OFFENSE	DATE	\$ _____

and bring him/her forthwith, personally, to the Bexar County Adult Detention Center, pending further
Orders of the Court.

YOU ARE FURTHER COMMANDED TO DETAIN said person in your custody until he/she
shall be duly discharged by the Court.

HEREIN, FAIL NOT, but of this Writ, make prompt return showing how you have executed the
same.

SIGNED and ENTERED this _____ day of _____, A.D., 20YEAR.

THE HONORABLE NAME, JUDGE
COURT JUDICIAL DISTRICT COURT
BEXAR COUNTY, TEXAS

THE STATE OF TEXAS

VS.

RESPONDENT'S NAME

AFFIDAVIT FOR WARRANT OF ARREST

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned authority, on this day personally appeared affiant, who, after being duly sworn, on oath deposes and says that affiant has good reason to believe and does believe that on or about (INSERT OFFENSE); against the peace and dignity of the State.

_____AFFIANT
SWORN TO AND SUBSCRIBED before me, the ___ day of _____, A.D., 20YEAR.

SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY
OF BEXAR COUNTY, TEXAS

ASSISTANT CRIMINAL DISTRICT ATTORNEY

BEXAR COUNTY, TEXAS
STATE BAR NO. _____

THE STATE OF TEXAS

VS.

RESPONDENT'S NAME

AFFIDAVIT FOR WARRANT OF ARREST

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned authority, on this day personally appeared affiant, who, after being duly sworn, on oath deposes and says that affiant has good reason to believe and does believe that on or about (INSERT OFFENSE); against the peace and dignity of the State.

AFFIANT

SWORN TO AND SUBSCRIBED before me, the ___ day of _____, A.D., 20YEAR.

SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY
OF BEXAR COUNTY, TEXAS

ASSISTANT CRIMINAL DISTRICT ATTORNEY

BEXAR COUNTY, TEXAS
STATE BAR NO. _____

NO. _____

SID# SID

IN THE MATTER OF: § IN THE COURT JUDICIAL DISTRICT COURT

§ BEXAR COUNTY, TEXAS

RESPONDENT’S NAME § SITTING AS A JUVENILE COURT

WAIVER OF JURISDICTION AND ORDER OF TRANSFER TO CRIMINAL COURT

I.

On the _____ day of _____, A.D., 20YEAR, personally appeared: Respondent, RESPONDENT’S NAME; his/her defense Attorney, DEFENSE ATTORNEY; and Petitioner, The State of Texas through an Assistant Criminal District Attorney, for a hearing on the State's Original/First Amended Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court of RESPONDENT’S NAME; and all parties present announced ready for said hearing.

II.

While hearing evidence at the proceeding, the Court considered, whether there is probable cause to believe that Respondent committed the offense/offenses listed below.

III.

After careful consideration of all the evidence presented, the Court finds the following:

1. RESPONDENT’S NAME is alleged to have committed offense/offenses in violation of the penal laws of the State of Texas, NAMELY: OFFENSE Note: Uppercase, in that on or about INSERT
2. RESPONDENT’S NAME was born on D.O.B.; is AGE: Spell out years of age at the present time; and resides at Address, SAN ANTONIO, BEXAR COUNTY, TEXAS 782zip.
3. RESPONDENT’S NAME was FOURTEEN OR FIFTEEN Note: refer back to draft sheet years of age or older but under SEVENTEEN (17) years of age at the time he/she is alleged to have committed the offense/offenses set forth above which is a felony/are felonies: Refer back to draft sheet of the degree/degrees Note: Indicate each degree.
4. The PARENT/GUARDIAN of RESPONDENT’S NAME is/are NAME, who reside/resides at Address, SAN ANTONIO, BEXAR COUNTY, TEXAS 782zip.
5. No adjudication hearing has been conducted to this point concerning the offense/offenses set forth above.
6. The Petitions and notice requirements of Sections 53.04, 53.05, 53.06, and 53.07 of the Texas Family Code have been satisfied, and proper summons notifying the parties that the hearing was for the purpose of considering waiver of jurisdiction and transfer to criminal court were served upon Respondent, his/her parent or guardian, and his/her attorney.

- 7. Prior to the hearing, the Court ordered and obtained a psychological examination, complete diagnostic study, social evaluation, and full investigation of Respondent, his/her circumstances, and the circumstances of the alleged offense/offenses.
- 8. A full investigation and hearing of Respondent, his/her circumstances, and the circumstances of the offense/offenses was conducted by this Court and the Court finds that there is probable cause to believe that Respondent committed the offense/offenses.
- 9. {18a}{18b}{18c}{18d} Note: Insert macro refer back to draft sheet

IV.

It is ORDERED that the jurisdiction of the COURT Judicial District Court of Bexar County, Texas, sitting as a Juvenile Court, be and is hereby waived in this cause.

It is further ORDERED that RESPONDENT’S NAME be transferred to the appropriate Criminal District Court of Bexar County, Texas, for criminal proceedings as an adult, in accordance with the Texas Code of Criminal Procedure.

This cause is hereby CERTIFIED on the offense/offenses of: OFFENSE.

The order of the Court and its certification are based on the following reasons and the Court has specifically considered the matters of Section 54.02 of the Texas Family Code:

- 1. BLOCK AND COPY SECTION III ABOVE

V.

RESPONDENT’S NAME is remanded to the custody of the Sheriff of Bexar County, Texas, with bond set at _____ for the offense/offenses of OFFENSE alleged to have occurred on or about OFFENSE DATE (Note: January 1, 1999); and with bond set at _____ for the offense/offenses of OFFENSE alleged to have occurred on or about OFFENSE DATE (Note: January 1, 1999).

SIGNED and ENTERED this ____ day of _____, A.D., 20YEAR.

THE HONORABLE JUDGE, JUDGE
 COURT JUDICIAL DISTRICT COURT
 BEXAR COUNTY, TEXAS