Between 1995 and September 2015 an appeal of a juvenile court order certifying a juvenile to adult criminal court could be made only after the completion of the adult criminal trial. [In the Matter of J.R. Jr.](16-2-3)

On January 28, 2016, the Corpus Christi-Edinburg Court of Appeals held that because the transfer order which appellant attempted to appeal was signed on March 20, 2015, before the effective date of the 2015 amendment, the court had no jurisdiction to here appeal until after criminal trial, as a result the appeal was dismissed for want of jurisdiction.

¶ 16-2-3. **In the Matter of J.R. Jr,** MEMORNADUM, No. 13-15-00201-CV, 2016 WL 354554 (Tex.App.-Corpus Christi-Edinburg, 1/28/2016).

**Facts:** Appellant, J.R., Jr., a juvenile, has filed an appeal herein from the trial court’s order transferring his case to adult court. As stated herein, we dismiss the appeal for want of jurisdiction.

The date of the trial court’s order of transfer to adult criminal court was March 20, 2015. Appellant’s notice of appeal was filed on April 17, 2015. The State has filed a motion to dismiss this appeal on grounds that we lack jurisdiction. This Court requested, but did not receive, a response to the motion to dismiss from the appellant.

**Held:** Dismissed for want of jurisdiction.

**Memorandum Opinion:** According to the State, the law in effect at the time that the trial court signed the order transferring the cause to the adult criminal court does not afford this Court jurisdiction over an immediate appeal from such a certification order. This matter was discussed by the parties during remand, and the trial court issued findings including, inter alia:

The issue is whether an appeal is timely. The court rules that an appeal is not timely. Under the law in effect at the time of the transfer hearing, an appeal of the juvenile court’s ruling in a discretionary transfer case is allowed only after the completion of the criminal case in district court. Therefore, the appellate court should dismiss the appeal as untimely until such time as the district court concludes with the trial of the criminal case.

In 1995, the Legislature repealed Section 56.01(c)(1)(A) of the Texas Family Code which had authorized the immediate appeal of a juvenile court order certifying a juvenile to criminal court. After the effective date of this amendment to the Texas Family Code, an appellate court no longer had jurisdiction over an attempted immediate appeal from a certification order, and any such attempted appeal was dismissed for want of jurisdiction. See Rodriguez v. State, 191 S.W.3d 909, 910 (Tex.App.—Dallas 2006, no pet.); Small v. State, 23 S.W.3d 549, 550 (Tex.App.—Houston [1st Dist.] 2000, pet. ref’d); see also In re R.A., No. 08–09–00073–CV, 2009 WL 4146768, \*1 (Tex.App.—EI Paso 2009, no pet.) (not designated for publication). However, in 2015 the Legislature once again amended Section 56.01 of the Texas Family Code, this time adding section 56.01(c)(1)(A), which once again allows the appeal of certification orders. See Tex. Fam.Code Ann. § 56.01(c)(1)(A) (West, Westlaw through 2015 R.S.). Nevertheless, the Legislature stated that the effective date of this 2015 amendment was September 1, 2015, and that:

The change in law made by this Act applies only to an order of a juvenile court waiving jurisdiction and transferring a child to criminal court that is issued on or after the effective date of this Act. An order of a juvenile court waiving jurisdiction and transferring a child to criminal court that is issued before the effective date of this Act is governed by the law in effect on the date the order was issued, and the former law is continued in effect for that purpose. Acts 2015, 84th Leg., ch. 74 (S.B.888), § 5, eff. Sept. 1, 2015.

**Conclusion:** Because the transfer order which appellant attempts to appeal was signed on March 20, 2015, it was made before the effective date of the 2015 amendment, and therefore, this case is governed by the law in effect on the date the order was issued. Accordingly, this Court is without jurisdiction to hear this appeal. We grant the State’s motion to dismiss and we dismiss the appeal for want of jurisdiction.