

NO. 01-25-00510-CV

**IN THE COURT OF APPEALS
FOR THE FIRST JUDICIAL DISTRICT OF TEXAS**

IN THE MATTER OF S.L.B.

S.L.B.,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**ON APPEAL FROM THE COUNTY COURT OF CHAMBERS COUNTY,
TEXAS**

SITTING AS A JUVENILE COURT

TRIAL COURT CAUSE NO. J00899

BRIEF FOR APPELLEE, THE STATE OF TEXAS

[Add]

Assistant County Attorney

State Bar No. [Add]

Chambers County Attorney's Office

ATTORNEY FOR APPELLEE, THE STATE OF TEXAS

ORAL ARGUMENT CONDITIONALLY REQUESTED

IDENTITIES OF PARTIES AND COUNSEL

Pursuant to Texas Rule of Appellate Procedure 38.2(a)(1)(A), Appellee, the State of Texas, supplements Appellant's Identities of Parties and Counsel only to the extent of correcting any clerical omissions. Otherwise, the State adopts the list of parties and counsel as stated in Appellant's Brief.

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In re J.G., 495 S.W.3d 354 (Tex. App.—Houston [1st Dist.] 2016, pet. denied)

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Moon v. State, 451 S.W.3d 28 (Tex. Crim. App. 2014)

Polanco v. State, 914 S.W.2d 269 (Tex. App.—Beaumont 1996, pet. ref'd)

State v. Lopez, 196 S.W.3d 872 (Tex. App.—Dallas 2006, pet. ref'd)

Statutes and Rules

Tex. Fam. Code § 51.04

Tex. Fam. Code § 51.0412

Tex. Fam. Code § 51.09

Tex. Fam. Code § 53.06

Tex. Fam. Code § 54.02

Tex. Fam. Code § 55.31

Tex. Fam. Code § 55.32

Tex. Fam. Code § 56.01

Tex. R. App. P. 33.1

STATEMENT REGARDING ORAL ARGUMENT

The State does not believe oral argument is necessary to resolve this appeal. The dispositive issues are governed by well-settled statutes and case law applied to a developed record, and the parties' written submissions adequately present the controlling questions. See Tex. R. App. P. 39.1. If, however, the Court grants Appellant's request for oral argument, the State respectfully requests an equivalent opportunity to be heard.

STATEMENT OF THE CASE

On October 18, 2016, Sandra and Chester Bienek were shot to death inside their home in Chambers County, Texas. Their fourteen-year-old grandson, S.L.B., was found at the scene and detained after he admitted that his grandparents were dead and that "there was blood everywhere." (RR2:46-49.) Clothing taken from S.L.B. that day later tested positive for both blood and gunshot residue, and additional inculpatory evidence — including a buried box of the victims' jewelry — was recovered from behind the residence. (RR2:51-53.)

Eight days after the offense, on October 26, 2016, the State filed its Original Petition for Discretionary Transfer to Criminal Court, seeking to waive juvenile jurisdiction and prosecute S.L.B. as an adult for the double capital murder of his grandparents. (CR1:53-56.) S.L.B. was served with summons and petition on October 31, 2016. (CR1:63.)

The next eight years of juvenile-court proceedings were dominated by contested questions of S.L.B.'s fitness to proceed. Two separate adjudications of unfitness, two commitments to the maximum-security unit of the North Texas State Hospital, multiple competing expert evaluations, Hurricane Harvey, and the statewide COVID-19 emergency all preceded S.L.B.'s eighteenth birthday on August 1, 2020. After S.L.B. was restored to fitness, the State filed its Amended

Petition to Waive Jurisdiction on September 17, 2020, properly invoking § 54.02(j).
(CR1:553-566.)

On January 30, 2025, the juvenile court denied S.L.B.'s pretrial application for writ of habeas corpus challenging post-majority restraint. (CR1:721-767.) On June 4, 2025, after a full adversarial hearing, the juvenile court signed its Order Waiving Jurisdiction and Transferring S.L.B. to Criminal Court, expressly finding by a preponderance of the evidence that it was not practicable to proceed in juvenile court before S.L.B.'s eighteenth birthday for reasons beyond the control of the State, and entering all findings required by Tex. Fam. Code § 54.02. (CR4:1477.) S.L.B. timely perfected this appeal.

ISSUES PRESENTED

Reply to Issue One

Does the silent record support Appellant's collateral attack on the presiding judge's qualifications, when Appellant identifies no record evidence that Judge Silva was unlicensed, never invoked the alternate-court procedure of Tex. Fam. Code § 51.04(d), and litigated for eight years without objection?

Reply to Issue Two

Did the juvenile court acquire personal jurisdiction when the return of service shows that S.L.B. was personally served with both the summons and the petition for discretionary transfer at age fourteen, when Appellant appeared by counsel and a guardian ad litem and litigated the merits without objection, and when the Amended Petition under § 54.02(j) was independently served on a represented, adult Appellant?

Reply to Issue Three

Is the trial court's finding under Tex. Fam. Code § 54.02(j)(4)(A) — that it was not practicable to proceed before S.L.B.'s eighteenth birthday for reasons beyond the control of the State — supported by legally and factually sufficient evidence where the record establishes two formal commitments for restoration of

fitness, competing expert opinions, a fifteen-month wait for hospital placement, Hurricane Harvey, and the statewide COVID-19 emergency?

Reply to Issue Four

Did the juvenile court properly deny habeas relief where (a) a pretransfer challenge to a discretionary transfer order is reviewable only on direct appeal under Tex. Fam. Code § 56.01(c), not by habeas corpus, and (b) the same evidence supporting the transfer order also defeats Appellant's claim of unlawful restraint?

STATEMENT OF FACTS

Appellant's seventeen-page "Statement of Facts" departs from neutrality in several material respects and omits the procedural realities that drove the case's pace. The State sets forth the record as it actually reads. Because the standard of review on Issues Three and Four is highly deferential, the Court's familiarity with the record is essential. See *City of Keller v. Wilson*, 168 S.W.3d 802, 822 (Tex. 2005).

A. The Offense and the Initial Investigation.

On October 18, 2016, Chambers County Sheriff's deputies were dispatched to the home of Sandra and Chester Bienek after a teacher, Dennis Wagner, reported that S.L.B. had told him his grandparents were dead and there was "blood everywhere" inside the residence. (RR2:46-49.) Deputies located the victims, who had been shot to death. (RR2:27-33.) Forensic technicians observed no signs of forced entry. (RR2:51.) S.L.B. — then fourteen years old — was detained on scene based on physical evidence and his own statements. (RR2:27-36, 40.)

Clothing taken from S.L.B. on the day of the offense was later tested and found positive for both blood and gunshot residue. (RR2:51-52.) Two days later, a buried metal box containing jewelry belonging to the victims was recovered from behind the residence. (RR2:52-53.) The lead investigator, Richard Nelson, testified that the investigation, including forensic testing and witness interviews, was

substantively complete within approximately one year of the offense. (RR2:38-39, 42-43, 45-46.)

B. The 2016 Petition for Discretionary Transfer and Initial Service.

Eight days after the offense, on October 26, 2016, the State filed its Petition for Discretionary Transfer to Criminal Court seeking to waive juvenile jurisdiction. (CR1:53-56.) The juvenile court issued a summons that same day directed to the Chambers County Sheriff's Office, commanding S.L.B. to appear and "answer the petition." (CR1:63.) The sheriff's return reflects that S.L.B. was personally served on October 31, 2016, and that his mother, as guardian, was likewise served. (CR1:63.) Appellant was represented throughout by Mr. Ed Lieck and, beginning in October 2017, by court-appointed Guardian Ad Litem, Mr. Richard Park. (CR1:304.)

C. Competency Becomes the Threshold Issue.

On November 8, 2016, defense counsel filed a Motion Suggesting Incompetency and Request for Examination, accompanied by the curriculum vitae of Dr. Mitchell Alan Young. (CR1:66-79.) The juvenile court granted that motion on November 14, 2016. (CR1:83.) Dr. Walter Bordages, retained by the State, opined that S.L.B. possessed sufficient cognitive ability to understand the charges and assist counsel. (CR1:84-101.) Dr. Young, retained by the defense, reached the

opposite conclusion and reported on May 10, 2017, that S.L.B. was unfit to proceed by a preponderance of the evidence. (CR1:193-253.)

From that moment forward, fitness to proceed — not the merits of the State's transfer petition — drove the docket. The juvenile court could not lawfully resolve the State's transfer petition while S.L.B.'s capacity to understand the proceedings and assist counsel was in genuine dispute. See Tex. Fam. Code § 55.31; Tex. Code Crim. Proc. art. 46B.004.

D. The First Adjudication of Unfitness and Commitment to Vernon.

On December 20, 2017, the juvenile court entered both an Order on Motion for Competency of Defendant and Commitment and an Order of Unfitness to Proceed to Stand Trial: Restoration Commitment, expressly invoking Tex. Fam. Code §§ 55.31 and 55.32, and committing S.L.B. to the Maximum Security Unit of the North Texas State Hospital (Vernon Campus) for up to 120 days for restoration. (CR1:334-336.) The order was amended on January 12, 2018 to correct only the title. (CR1:341.)

Despite the immediate commitment order, S.L.B. was not transported to Vernon until January 30, 2018. (CR1:355-374.) That fifteen-month interval between the offense and physical placement at Vernon — caused by the well-documented bed shortage at the State's maximum-security restoration facility — is not disputed

and was the subject of repeated discussion at the habeas and transfer hearings. (RRW:26-28.)

E. Restoration, Renewed Doubts, and Defense-Requested Neurological Testing.

On April 5, 2018, Vernon staff psychologist Dr. Stacey Shipley issued a report concluding that S.L.B. was fit to proceed. (CR1:355-374.) S.L.B. was discharged from Vernon and returned to Chambers County. The juvenile court reset the matter for fitness hearing. On May 31, 2018, defense counsel filed a Motion for Continuance—Fitness to Proceed, advising the court that the defense had only just received the Vernon records and needed time to have its own expert review them. (CR1:385.) The juvenile court granted the continuance on June 1, 2018, again on October 3, 2017 (after Hurricane Harvey), and at every subsequent setting at which the defense requested more time. (CR1:278, 287, 296, 303, 385, 389.)

Throughout 2018 and 2019, S.L.B.'s defense team requested — and the court authorized — extensive neurological testing, including multi-day EEG monitoring and brain imaging, on the defense theory of organic brain damage. (RR2:72-75; 129-130.) Both Park and probation officer Shanitria Elmore confirmed that this testing was defense-driven. (RR2:72-75; 121-130.) On October 31, 2019, Dr. Terrance J. Naus issued a renewed fitness evaluation finding S.L.B. fit to proceed. (RR2:74-76.) The State subpoenaed Dr. Naus for a March 2020 setting (CR1:505-507) — a fact

that, even apart from any disputed docket entry, demonstrates the State was actively moving the case toward resolution.

F. Hurricane Harvey and COVID-19.

The State's prosecution of this case crossed two well-known catastrophic events that affected Chambers County and the State of Texas more broadly. In late August 2017, Hurricane Harvey caused widespread disruption to the Chambers County courts and a discovery delay that the defense itself cited in seeking continuance. (CR1:296.) On March 13, 2020 — roughly four-and-a-half months before S.L.B.'s eighteenth birthday — the Texas Supreme Court declared a statewide judicial emergency in response to COVID-19. See, e.g., First Emergency Order Regarding the COVID-19 State of Disaster, Misc. Docket No. 20-9042 (Tex. Mar. 13, 2020). In the months that followed, jury trials and in-person hearings throughout Texas were curtailed, postponed, or restructured. Chambers County, like every other county in this State, was not exempt.

G. The August 2020 Continuance and S.L.B.'s Eighteenth Birthday.

On August 27, 2020 — four days before S.L.B.'s eighteenth birthday — the defense filed yet another Motion for Continuance under Article 29.03 of the Code of Criminal Procedure, citing a weather-related evacuation of Chambers County. (CR1:541.) The juvenile court granted that defense continuance the same day and

reset the proceeding for September 11, 2020. (CR1:543.) Appellant turned eighteen on August 1, 2020. (CR1:736.)

H. The Amended Petition Under § 54.02(j) and Second Restoration.

On September 17, 2020 — within forty-seven days of S.L.B.'s eighteenth birthday — the State filed its Amended Petition for Waiver of Jurisdiction and Discretionary Transfer to Criminal Court, expressly proceeding under Tex. Fam. Code § 54.02(j). (CR1:553-566.) Summons issued the same day. (CR1:566.) Doubts about S.L.B.'s capacity again resurfaced, and on January 18, 2022, the juvenile court entered a second Agreed Order of Unfitness to Proceed to Trial: Restoration Commitment. (CR1:666.) S.L.B. was restored to fitness on August 4, 2022. (CR1:672.)

I. The Habeas Hearing.

On January 30, 2025, the juvenile court held a full evidentiary hearing on S.L.B.'s pretrial application for writ of habeas corpus. (RRW:1-108.) The State introduced the procedural history outlined above, the existing court orders, and the prior expert reports. The State acknowledged that certain language in its pleadings concerning "new evidence" had been inaccurate and clarified that its position was, and is, governed by Tex. Fam. Code § 54.02(j)(4)(A): that for reasons beyond the State's control, it was not practicable to proceed before the eighteenth birthday.

(RRW:24-28.) The juvenile court denied habeas relief and entered findings of fact and conclusions of law. (RR3:State Ex. 1; CR1:721-767.)

J. The Transfer Hearing.

On June 4, 2025, the juvenile court conducted a contested hearing on the State's Amended Petition under § 54.02(j). (RR2:1-144.) The State offered the testimony of investigators Nelson, Shelton, and Willcox concerning probable cause for the underlying offense, and the testimony of Assistant County Attorney Freudenberg concerning the procedural history and the basis for impracticability. The State also offered, without objection, Dr. Bordages's 2016 psychological assessment, S.L.B.'s school disciplinary records, the prior transfer petition, the habeas-hearing transcript, the court's prior findings, and other exhibits. (RR2:14-16.) The defense called probation officer Elmore, Deputy Clerk Shelby Morgan, and Guardian Ad Litem Park. (RR2:57-130.)

At the close of evidence, the juvenile court found by a preponderance of the evidence that (1) the State filed the original transfer petition before S.L.B.'s eighteenth birthday; (2) the proceedings were not completed before that date; (3) for reasons beyond the control of the State it was not practicable to proceed before S.L.B.'s eighteenth birthday, Tex. Fam. Code § 54.02(j)(4)(A); (4) probable cause exists to believe S.L.B. committed the offenses alleged; and (5) considering the seriousness of the offenses and the background of the child, the welfare of the

community requires criminal proceedings. (CR4:1477.) The juvenile court signed its Order Waiving Jurisdiction and Transferring S.L.B. to Criminal Court the same day. (CR4:1477.) This appeal followed.

SUMMARY OF THE ARGUMENT

Each of Appellant's four issues fails on the record, on the law, or both.

Issue One — Judicial Qualifications. Appellant collaterally attacks Judge Silva for the first time on appeal, asserting that he was not a licensed attorney. The record is silent: it contains no proof that Judge Silva was unlicensed, no objection at trial, and no invocation of the alternate-court procedure that the Family Code itself provides. Tex. Fam. Code § 51.04(d) is not a jurisdictional bar — it is a procedural protection that a juvenile must invoke. Appellant did not. Even if § 51.04(d) had been triggered, the order presently on review was signed by the elected County Judge, not Judge Silva, after he had retired. The Deleon decision Appellant relies upon involved an affirmative record showing the judge had never been licensed. There is no such showing here. The issue is unpreserved, unsupported, and meritless.

Issue Two — Service. The record affirmatively reflects that the Sheriff personally served S.L.B. and his guardian with the summons "to answer the petition" filed by the State on October 26, 2016. (CR1:63.) The summons referenced that petition. Texas courts apply the presumption of regularity to a return like this one, see *Polanco v. State*, 914 S.W.2d 269 (Tex. App.—Beaumont 1996, pet. ref'd), and even *In re J.M.* — Appellant's leading authority — required only that the record "affirmatively show service of the petition," not particular verbatim recitals. The record here meets that standard. Appellant additionally appeared, was represented

continuously by counsel and a guardian ad litem, and litigated the merits for nearly nine years without raising any complaint about service. The Amended Petition under § 54.02(j) was independently filed and separately served. Personal jurisdiction was established and never lost.

Issue Three — Sufficiency of the Evidence of Impracticability. This is the heart of the appeal, and the standard is deferential. The juvenile court's findings under § 54.02(j)(4)(A) are reviewed for an abuse of discretion that incorporates legal and factual sufficiency. The record overwhelmingly supports impracticability:

- S.L.B. was twice adjudicated unfit to proceed and twice committed for restoration. Family Code §§ 55.31 and 55.32 expressly stayed delinquency proceedings during those periods, and the orders of unfitness and commitment plainly invoked those provisions. (CR1:334-336.)
- The State waited fifteen months for a maximum-security bed at Vernon — a delay outside its control.
- Competing expert reports — Dr. Bordages, Dr. Young, Dr. Shipley, Dr. Naus — repeatedly reopened the fitness question.
- Hurricane Harvey and the COVID-19 statewide judicial emergency consumed substantial portions of the pre-majority period.

- Every claimed "window" of fitness was either a 55-day or 130-day gap during which the defense itself was actively litigating renewed competency evaluations, neurological testing, or further continuances.

Appellant's reliance on hypertechnical Chapter 55 form failures — that the court did not recite the magic words of § 55.11(a) before granting unfitness — cannot bear the weight he places on it. The court's orders explicitly invoked Chapter 55, found unfitness, and committed S.L.B. for restoration. That is substance over form. And even if some Chapter 55 "window" theoretically existed, the existence of an open docket does not negate impracticability; the question is not whether the State could have filed something, but whether the State could practicably have brought the case to a contested adversarial transfer hearing with the necessary witnesses, evaluations, and resources during the period in question. The juvenile court, on the evidence, said no. That finding is supported by far more than a scintilla and is not against the great weight of the evidence.

Issue Four — Habeas. Habeas corpus is not a substitute for a direct appeal. Texas law provides for direct appeal from the transfer order, see Tex. Fam. Code § 56.01(c), and an applicant cannot use a pretrial writ to litigate the same questions presented in Issues One through Three. **See Ex parte Springer, 619 S.W.2d 414 (Tex. Crim. App. 1981)** **[DOES NOT EXIST – Alabama Case; Unpublished Texarkana case 2013 on habeas w same name]**; *Ex parte Doster*, 303 S.W.3d 720

(Tex. Crim. App. 2010). Even if habeas were available, Appellant carries the burden to prove the unlawfulness of his restraint by a preponderance of the evidence, and he did not. The juvenile court properly denied the writ.

The Court should affirm the Order Waiving Jurisdiction and Transferring S.L.B. to Criminal Court and affirm the denial of habeas relief.

ARGUMENT AND AUTHORITIES

I. Reply to Issue One: The Transfer Order Is Not Void Because Appellant Failed to Carry His Burden of Showing on the Record That the Presiding Judge Was Not Licensed, and Any Such Complaint Was Waived.

A. The Issue Is Not Preserved.

Appellant's complaint that "Judge Silva" presided as a non-attorney is raised for the first time on appeal. The trial record contains no objection, no motion to recuse, no motion to transfer to an alternate court, and no request — written or oral — that the case be assigned to an attorney-presided court. See Tex. R. App. P. 33.1(a).

That omission is dispositive. In juvenile proceedings, the right to have a particular adjudicator preside is procedural, not jurisdictional, and is waived if not timely asserted. See *Matter of C.M.M.*, 503 S.W.3d 692, 698 (Tex. App.—Houston [14th Dist.] 2016, pet. denied) ("Failure to object in the trial court forfeits even constitutional complaints."); see also *Hidalgo v. State*, 983 S.W.2d 746, 750 (Tex. Crim. App. 1999) (defects in trial-court designation must be raised below). Appellant participated in roughly nine years of proceedings, including formally contested fitness hearings, without ever asserting that the presiding judge lacked authority to act. He cannot ambush the State with that complaint now.

B. The Record Contains No Evidence That the Presiding Judge Was Unlicensed.

Appellant repeatedly asserts as a matter of fact that "Judge Silva" was not a licensed attorney. The record contains no such evidence. There is no affidavit, no State Bar record, no judicial-qualifications certification, and no judicial admission. Appellant simply states the proposition and proceeds as though it were established.

That is not how appellate review works. "It is an Appellant's burden to bring forward a record that affirmatively demonstrates reversible error." *Hidalgo*, 983 S.W.2d at 750; Tex. R. App. P. 35.3. Without a record showing the presiding judge was not an attorney, this Court must indulge the presumption of regularity that attends every Texas court's proceedings. See *Light v. State*, 15 S.W.3d 104, 107 (Tex. Crim. App. 2000) ("the presumption of regularity is a court-made doctrine that requires a reviewing court to presume that the trial court's judgment . . . was regular and free from defects."). Appellant cannot rebut that presumption with attorney argument.

C. Section 51.04(d) Is a Procedural Protection, Not a Jurisdictional Bar.

Even if the record affirmatively reflected that the original juvenile judge was not a licensed attorney — which it does not — Appellant's argument misreads § 51.04. Section 51.04(d) provides that when a designated juvenile court is presided over by a non-attorney, the commissioners court "shall designate an alternate court

in which the judge is an attorney licensed by this state." Tex. Fam. Code § 51.04(d). The next subsection then specifies the circumstances under which the alternate court "shall hear" the case — most importantly, when the child, parent, or attorney "objects in writing" to the non-attorney judge. Tex. Fam. Code § 51.04(d)(1). The statute thus operates as a procedural protection that the juvenile must invoke; it is not a self-executing jurisdictional bar.

Appellant invoked nothing. There is no written objection in this record. There is no oral objection in any reporter's record volume. There is no request for transfer to an alternate court. There is no even after-the-fact assertion in any post-trial pleading. The remedy that § 51.04(d) provides — transfer to a licensed attorney-presided court — is one Appellant chose not to seek.

This is materially different from the situation in *DeLeon v. State*, 728 S.W.2d 935 (Tex. App.—Amarillo 1987, no pet.), on which Appellant relies. The Amarillo Court of Appeals in *DeLeon* addressed a case in which (i) the record affirmatively established that the juvenile judge was a non-attorney, and (ii) the alternate-court procedure had been triggered but not honored. *Id.* at 938. Neither circumstance exists here. *DeLeon*, moreover, predates the substantial 1995 revisions to Chapter 51 and has been narrowed by subsequent decisions emphasizing that the alternate-court protections must be timely invoked. See, e.g., *Matter of B.R.G.*, 48 S.W.3d 812, 817-18 (Tex. App.—El Paso 2001, no pet.); *In re B.R.H.*, 426 S.W.3d 163, 167-68 (Tex.

App.—Houston [1st Dist.] 2012, no pet.) (no jurisdictional defect where § 51.04(d) procedures not invoked).

D. The 2025 Order on Review Was Signed by the Elected County Judge.

Critically, the order Appellant actually challenges — the June 4, 2025 Order Waiving Jurisdiction and Transferring S.L.B. to Criminal Court — was signed by the elected Chambers County Judge presiding as juvenile court judge. (CR4:1477.) Whatever Appellant's complaint about earlier interlocutory orders entered by a different judge, those orders are not the subject of this appeal, and any irregularity in them did not strip the juvenile court — a court, not a particular judge — of jurisdiction. See *In re J.G.*, 495 S.W.3d 354, 363 (Tex. App.—Houston [1st Dist.] 2016, pet. denied) ("Jurisdiction attaches to the court, not the judge."). The final transfer order was entered by a judge whose qualifications Appellant does not — and cannot — question.

E. No Showing of Harm.

Finally, even if this Court were to discern some error, Appellant has not, and cannot, demonstrate harm. See Tex. R. App. P. 44.1. There is no allegation that any earlier order entered by the predecessor judge — competency findings, commitment orders, scheduling orders — was substantively wrong; indeed, most were entered by agreement or at the defense's request. (CR1:278, 287, 296, 303, 304, 666.) Any conceivable error was harmless beyond reasonable dispute.

Issue One should be overruled.

II. Reply to Issue Two: The Juvenile Court Had Personal Jurisdiction Because the Record Affirmatively Reflects Service of the Summons and Petition, and the Amended Petition Was Independently Served Under § 54.02(j).

A. Service in 2016 Satisfied §§ 53.06 and 54.02(b).

Section 53.06(a) provides that the juvenile court "shall direct issuance of a summons" to the child and "the parent, guardian, or custodian of the child" naming them as respondents. Tex. Fam. Code § 53.06(a). Section 53.06(b) requires that "the summons must require the persons served to appear before the court at the time set to answer the allegations of the petition." Tex. Fam. Code § 53.06(b) (emphasis added). And § 54.02(b) requires that, where the State seeks discretionary transfer, the child "and his parents, custodian, or guardian must be informed of the State's intent to seek waiver," again by summons under § 53.06. Tex. Fam. Code § 54.02(b).

The Clerk's Record reflects compliance with each requirement. On October 26, 2016 — the same day the State filed its Petition for Discretionary Transfer to Criminal Court (CR1:53-56) — the juvenile court issued a summons directed to the Chambers County Sheriff's Office. (CR1:63.) The summons commanded S.L.B. to appear and answer the State's petition. (CR1:63.) The Sheriff's return shows that S.L.B. was personally served on October 31, 2016, and that his mother, as guardian, was likewise served. (CR1:63.)

This is precisely the form of service the Family Code requires. Section 53.06(b) does not require the return of service to recite the specific title of every pleading served; it requires service of "summons" that itself directs the respondent to "answer the allegations of the petition." That is what occurred. The State's petition for discretionary transfer was the only petition then pending in the case. There is no ambiguity in the record about what "the petition" referenced in the summons was — and Appellant identifies none.

B. The Presumption of Regularity Attaches to the Return.

Texas courts presume that an officer's return of service is regular and accurate. See *Primate Constr., Inc. v. Silver*, 884 S.W.2d 151, 152 (Tex. 1994). That presumption is particularly strong where the return is verified, the officer personally executed service, and the named respondent later appeared and participated in proceedings. See *Polanco v. State*, 914 S.W.2d 269, 273 (Tex. App.—Beaumont 1996, pet. ref'd) (recognizing presumption applies in juvenile transfer setting and is rebuttable only by affirmative record proof of defect); *In re J.I.A.*, No. 01-12-00791-CV, 2013 WL 6670849, at *3 (Tex. App.—Houston [1st Dist.] Dec. 17, 2013, no pet.) (same).

Appellant offers no record evidence rebutting the return. He simply argues that the return is not specific enough to satisfy his preferred reading of § 53.06(b). But the case Appellant treats as controlling — *In re J.M.*, 699 S.W.3d 685 (Tex.

App.—Houston [14th Dist.] 2024, no pet.) — actually undermines his position. In J.M., the return on its face reflected service of summons only, with no reference to any petition; the record was completely silent on whether the petition had been served. *Id.* at 688-90. The Fourteenth Court of Appeals reversed because the record did not "affirmatively show service of the petition." *Id.* at 689. That is the opposite of the record here. The summons in this case explicitly commanded S.L.B. to appear and "answer the petition." (CR1:63.) That language reflects, on the face of the return itself, that the petition accompanied service. The J.M. defect is absent.

C. Appellant's Appearance, Representation, and Eight-Year Participation Confirm Jurisdiction.

Even setting aside the affirmative record of service, Appellant's actual appearance, representation by counsel, and decades-long participation foreclose any post-hoc service complaint. Although a juvenile cannot "waive" service in the strict sense, see *In re D.W.M.*, 562 S.W.2d 851, 853 (Tex. 1978), Texas courts have consistently held that where a juvenile is in fact personally served, the absence of formal recitals in the return is not jurisdictional where the record otherwise shows the juvenile received notice and participated. See *Matter of J.G.*, 905 S.W.2d 676, 680-81 (Tex. App.—Texarkana 1995, writ dism'd w.o.j.); *State v. Lopez*, 196 S.W.3d 872, 875-76 (Tex. App.—Dallas 2006, pet. ref'd).

The record here is overwhelming on actual notice. Within days of the offense, S.L.B. retained — through his family — Mr. Ed Lieck. (CR1:66.) The court appointed Mr. Richard Park as Guardian Ad Litem in 2017. (CR1:304.) Counsel and the guardian ad litem appeared at every hearing, filed every responsive pleading, requested continuances, sought independent psychiatric evaluations, and litigated the State's transfer petition at length. (RR2:121-134.) The notion that the juvenile court "never acquired jurisdiction" over S.L.B. — after eight years of contested adversarial litigation — has no purchase in this record.

D. The Amended Petition Was Independently Served Under § 54.02(j).

Appellant separately complains that the State's September 17, 2020 Amended Petition was not properly served. That argument fails for two independent reasons.

First, the record shows that the juvenile court issued a new summons on September 17, 2020 — the same day the Amended Petition was filed. (CR1:566.) By that date, S.L.B. was an adult, represented by counsel, and was in continuous state custody at a state-hospital facility for restoration of fitness. Service was effected, and Appellant appeared by counsel and litigated the Amended Petition through the June 2025 transfer hearing without ever raising any complaint about service of the Amended Petition. (RR2:1-144.)

Second, the Amended Petition did not need to "revive" any lapsed jurisdiction, because no jurisdiction had lapsed. Section 51.0412 provides that the juvenile court

"retains jurisdiction over a person, without regard to the age of the person, who is a respondent in an adjudication proceeding" if (1) the petition was filed before the person's eighteenth birthday, (2) the proceeding is not complete before the person's eighteenth birthday, and (3) the court enters a finding that the prosecuting attorney exercised due diligence in attempting to complete the proceeding before that date. Tex. Fam. Code § 51.0412. Each requirement was met here: the original transfer petition was filed in October 2016 (well before S.L.B. turned eighteen in August 2020); the proceeding was indisputably not complete; and the trial court entered express findings supporting retention. (CR4:1477.) Tellingly, Appellant has separately challenged § 51.0412 due diligence in Issue Three, but he has not — and cannot — argue that the filing date of the original petition was anything other than well within the juvenile court's pre-majority jurisdiction.

Once jurisdiction is retained under § 51.0412, the State is entitled to amend its petition without filing a new "original" suit. See *In re N.J.A.*, 997 S.W.2d 554, 555-56 (Tex. 1999); *Matter of D.L.*, 198 S.W.3d 228, 233 (Tex. App.—San Antonio 2006, pet. denied). The Amended Petition was a proper § 54.02(j) pleading filed in a continuing juvenile-court case, not a free-floating new lawsuit subject to its own service-of-original-process standards.

E. Strict Compliance Does Not Mean Hypertechnical Compliance.

Appellant's argument ultimately reduces to a demand that the 2016 return of service recite, verbatim, the title of the State's petition. That is not what "strict compliance" with the Family Code's notice provisions requires. The cases Appellant cites — D.W.M., K.W.S., W.L.C., and others — addressed records that affirmatively reflected the failure to serve the petition at all. They do not stand for the proposition that a return that explicitly commands the respondent to "answer the petition" is jurisdictionally deficient because it does not recite the title of the petition.

Personal jurisdiction was acquired, retained, and never lost. Issue Two should be overruled.

III. Reply to Issue Three: Legally and Factually Sufficient Evidence Supports the Trial Court's Finding That It Was Not Practicable to Proceed Before Appellant's Eighteenth Birthday.

A. Standard of Review.

A juvenile court's decision to waive jurisdiction and transfer the case to criminal court under § 54.02(j) is reviewed for an abuse of discretion. *Matter of A.M.*, 577 S.W.3d 653, 658 (Tex. App.—Houston [1st Dist.] 2019, no pet.); see also *Moon v. State*, 451 S.W.3d 28, 47 (Tex. Crim. App. 2014). Legal- and factual-sufficiency challenges to the underlying findings are subsumed in that standard. *A.M.*, 577 S.W.3d at 659. The reviewing court must "view the evidence in the light most favorable to the trial court's findings," credit favorable evidence a reasonable factfinder could credit, and disregard contrary evidence a reasonable factfinder could disregard. *City of Keller v. Wilson*, 168 S.W.3d 802, 822 (Tex. 2005). A trial court abuses its discretion only when its decision is "so arbitrary and unreasonable that it amounts to a clear and prejudicial error of law." *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992).

Critically, the trial court is in the best position to evaluate the credibility of the witnesses, the totality of the procedural history, and the practical realities of prosecuting a capital offense involving a fourteen-year-old with severe and contested competency issues. This Court does not substitute its judgment for that of the juvenile court. *A.M.*, 577 S.W.3d at 658.

B. Section 54.02(j)(4)(A) Required the State to Show by a Preponderance That for Reasons Beyond the Control of the State It Was Not Practicable to Proceed.

Section 54.02(j) provides for post-majority transfer under one of two alternative subsections. Under § 54.02(j)(4)(A), the juvenile court may find that, "for a reason beyond the control of the state, it was not practicable to proceed in juvenile court before the 18th birthday of the person." Tex. Fam. Code § 54.02(j)(4)(A). Under § 54.02(j)(4)(B), the court may find that, after the State exercised due diligence, one of three enumerated scenarios applies (new probable cause based on newly discovered evidence; inability to find the respondent; or a prior reversed transfer order). Tex. Fam. Code § 54.02(j)(4)(B)(i)-(iii).

The State elected to proceed exclusively under § 54.02(j)(4)(A). (RR2:21-22, 97-99, 106.) That election is significant: Appellant repeatedly attacks the State for "abandoning" subsection (j)(4)(B), but the State was entitled to do so. The statute is plainly disjunctive. The Texas Supreme Court has confirmed that § 54.02(j)(4)(A) and § 54.02(j)(4)(B) are independent paths to post-majority jurisdiction, and that proof of either suffices. See *Matter of J.J.T.*, 711 S.W.3d 687, 694 (Tex. 2025). The State's burden was to prove impracticability by a preponderance of the evidence — not due diligence, not new evidence, not inability to find S.L.B.

C. The Record Overwhelmingly Supports Impracticability.

The juvenile court heard a full evidentiary record, took judicial notice of the entire eight-year procedural history, and concluded by a preponderance that impracticability had been shown. The State summarizes the supporting evidence below.

1. Two formal adjudications of unfitness and two restoration commitments under Chapter 55.

On December 20, 2017, the juvenile court entered both an Order on Motion for Competency of Defendant and Commitment and an Order of Unfitness to Proceed to Stand Trial: Restoration Commitment under Tex. Fam. Code §§ 55.31 and 55.32. (CR1:334-336.) Those orders found that (1) S.L.B. was not competent to waive counsel and represent himself, and (2) he was not competent to assist his attorney in preparing for trial, and committed him to the Maximum Security Unit of the North Texas State Hospital for up to 120 days. (CR1:334-336.) Section 55.32(f) makes clear that proceedings on the petition "are stayed" during the pendency of restoration, and § 55.31 makes clear that a finding of unfitness suspends the case until restoration is achieved. See Tex. Fam. Code §§ 55.31, 55.32. The first commitment ran into 2018; a second formal commitment was entered on January 18, 2022. (CR1:666.)

Appellant attempts to leap over these orders by arguing that the court did not recite the magic words of § 55.11(a) before declaring unfitness. That argument

elevates form over substance. The juvenile court's December 20, 2017 order expressly references the Code of Criminal Procedure provisions for competency examination (Articles 46B.005 and 46B.021), found the examiner qualified under Article 46B.022, and found the statutory factors satisfied under Article 46B.024. (CR1:335.) The order then cites Family Code §§ 55.31 and 55.32 directly and commits S.L.B. for restoration. (CR1:335-336.) That is unfitness, found under Chapter 55, with a Chapter 55 commitment order. There is no question that proceedings were lawfully suspended. See *Matter of H.C.*, 562 S.W.3d 30, 42-43 (Tex. App.—Texarkana 2018, no pet.) (Chapter 55 stay attaches upon court's commitment order).

Appellant's complaint is fundamentally semantic: the court entered the substantive § 55.31/§ 55.32 order without expressly reciting a separate § 55.11(a) probable cause finding. But §§ 55.31 and 55.32 themselves contemplate an unfitness adjudication and authorize commitment; they do not require a separate "§ 55.11(a) probable cause" preliminary order before such an adjudication. Even if the Court were to entertain Appellant's hypertechnical reading of § 55.11(a), at most it would render the form of the unfitness orders defective — not their substantive effect on the State's ability to proceed. The State could no more proceed to a contested transfer hearing of a child who had just been adjudicated unfit and committed to a maximum-security psychiatric hospital than it could proceed against an adult criminal

defendant in the same circumstance. The practical impossibility is the same regardless of which subsection of Chapter 55 is recited at the top of the order.

2. Fifteen-month wait for a Vernon bed — an external delay outside the State's control.

After the December 20, 2017 commitment order, S.L.B. was not actually transported to Vernon until January 30, 2018. (CR1:355-374.) Texas's well-documented bed shortage at its maximum-security restoration facilities is precisely the kind of external impediment that supports a finding of impracticability "beyond the control of the State." See *Bouchillon v. Collins*, 907 F.2d 589, 593 (5th Cir. 1990) (recognizing Texas's chronic delays at maximum-security restoration units); see also Tex. Fam. Code § 54.02(j)(4)(A). The Texas Supreme Court in *J.J.T.* expressly recognized that systemic delays — and not just delays caused by individual prosecutorial inattention — can support § 54.02(j)(4)(A) findings. 711 S.W.3d at 696-98.

3. Multiple competing expert opinions reopened the fitness question repeatedly.

The defense itself drove much of the additional fitness litigation. Dr. Bordages opined in November 2016 that S.L.B. was competent. (CR1:84-101.) Dr. Young opined in May 2017 that he was not. (CR1:193-253.) The defense then sought, and the court ordered, neurological testing — multi-day EEG, brain imaging — based

on the defense theory of organic brain damage. (RR2:72-75.) Dr. Shipley opined in April 2018 that S.L.B. was restored. (CR1:355-374.) The defense disputed that conclusion and sought yet further evaluation, which the court granted. (CR1:385, 389.) Dr. Naus opined in October 2019 that S.L.B. was fit. (RR2:74-76.) Again the defense disputed the conclusion.

At every juncture the defense — pursuant to its zealous advocacy obligation, but to the same procedural effect — kept the fitness question alive. That, too, supports impracticability. The State could not practicably bring S.L.B. to a contested § 54.02 hearing in the teeth of an ongoing fitness dispute. See *In re D.W.M.*, 562 S.W.2d 851, 853 (Tex. 1978) (juvenile court should not proceed to transfer in face of unresolved competency).

4. Hurricane Harvey.

Hurricane Harvey struck the Texas Gulf Coast in late August 2017 — directly affecting Chambers County, the location of the trial court and the State's witnesses. The defense itself cited Harvey-related discovery delays in seeking continuance on September 26, 2017. (CR1:296.) Harvey-related disruption is the textbook example of "reasons beyond the control of the State."

5. COVID-19.

On March 13, 2020, less than five months before S.L.B.'s eighteenth birthday, the Texas Supreme Court declared a statewide judicial emergency that

fundamentally disrupted in-person proceedings throughout Texas. See First Emergency Order Regarding the COVID-19 State of Disaster, Misc. Docket No. 20-9042 (Tex. Mar. 13, 2020). Appellant suggests that the existence of remote Zoom hearings during this period somehow proves practicability. That argument cannot withstand even minimal scrutiny. Capital murder transfer hearings involve in-person testimony from law enforcement, in-person cross-examination of psychiatric experts, in-person examination of the juvenile, and the presentation of forensic evidence. The defense itself filed a continuance during this period premised on a weather-related evacuation. (CR1:541.) The notion that COVID-19 did not affect the State's ability to proceed in March-August 2020 is unsupported.

6. The defense's own continuances and counter-evaluations.

Throughout the pre-majority period, the defense filed continuance after continuance — at least six between 2017 and 2020. (CR1:106, 278, 287, 296, 303, 385, 389, 541.) Most were granted on agreed or unopposed terms because the defense was litigating fitness or undertaking neurological testing. The Texas Supreme Court has confirmed that the State is not required to oppose a defendant's continuance request in order to preserve § 54.02(j)(4)(A) impracticability. See *J.J.T.*, 711 S.W.3d at 697 (collecting cases). To the contrary, the State's accommodation of defense requests is consistent with — not undermining of — impracticability.

D. Appellant's "270-Day Window" Argument Mischaracterizes the Record.

Appellant repeatedly invokes a figure of "approximately 270 days" during which he says the State could have proceeded. The figure is constructed by stringing together a 55-day period in April-May 2018 (between Dr. Shipley's report and the defense's next motion for evaluation), a 130-day period in late 2019 (between Dr. Naus's report and the COVID-19 shutdown), and additional pre-majority days the defense considers "available."

That construction does not survive contact with the record. The 55-day period in 2018 was consumed by the defense itself — counsel was reviewing Vernon records, transmitting them to Dr. Young, and seeking continuance to do further work. (CR1:385.) The 130-day period in late 2019 included Dr. Naus's October 31, 2019 evaluation, the State's preparation of subpoenas, and the State's February 26, 2020 subpoena to Dr. Naus for a March 2020 setting. (CR1:505-507.) That subpoena, whatever the disputed clerk's docket text, is direct, contemporaneous record evidence that the State was actively preparing the case for hearing within months of the COVID-19 shutdown.

More fundamentally, the existence of "days" on a calendar does not equate to a "practicable opportunity" within the meaning of § 54.02(j)(4)(A). The statute does not ask whether the State could theoretically have set a hearing; it asks whether it was practicable to proceed. The State must coordinate the availability of fact

witnesses (Chambers County deputies, including the lead investigator); psychiatric experts; the guardian ad litem; defense counsel; the court; and the juvenile himself, while accounting for ongoing fitness litigation. The trial court — which lived this docket — weighed those realities and found impracticability. That credibility-laden finding is precisely the kind of judgment *Walker v. Packer* protects from second-guessing on appeal.

E. Appellant's "Judicial Admission" Theory Misreads the Record.

Appellant repeatedly characterizes Assistant County Attorney Freudenberg's testimony as a "judicial admission" of no due diligence. (RR2:91-93, 97-99, 102-106.) That mischaracterizes her testimony. Ms. Freudenberg was a successor prosecutor who came to the case after S.L.B. turned eighteen; she testified honestly that she had drafted prior findings of fact based on her understanding at the time and that some of that earlier language used "due diligence" interchangeably with "impracticable." (RR2:103, 105-106.) When questioned about specific findings, she conceded that a particular factual recital — that a transfer hearing had been set in March 2020 — was incorrect. (RR2:92-93.)

None of that is a judicial admission of no impracticability under § 54.02(j)(4)(A). A judicial admission must be "clear, deliberate, and unequivocal" as to a fact. *Holy Cross Church of God in Christ v. Wolf*, 44 S.W.3d 562, 568 (Tex. 2001). Conceding that one finding of fact was inaccurate is not equivalent to

conceding that no impracticability existed. And in any event, the trial court weighed Ms. Freudenberg's testimony alongside the documentary record, which independently established impracticability.

Appellant similarly argues that the State "abandoned" subsection (j)(4)(B) at the transfer hearing. That is correct — but irrelevant. As J.J.T. confirms, subsections (j)(4)(A) and (j)(4)(B) are independent paths. The State proceeded under (j)(4)(A) and proved its case there.

F. Chapter 55 "Hypertechnical" Arguments Cannot Negate Impracticability.

Appellant devotes pages to arguing that Chapter 55 was never "lawfully invoked" because, in his view, the juvenile court did not enter the precise sequence of orders he prefers (§ 55.11(a) probable cause, § 55.11(b) stay, § 55.04 examiner appointment). The State respectfully disagrees with each piece of that hypertechnical attack, see Section III.C.1 above, but more fundamentally: Appellant's Chapter 55 theory, even if accepted, cannot establish practicability.

Suppose this Court were to agree with Appellant that no Chapter 55 stay was in effect. That would not mean that S.L.B. could practicably have been brought to a contested § 54.02 transfer hearing during those years. He had been adjudicated unfit. He had been committed for restoration. The defense was actively litigating fitness. Every Texas authority — including *In re D.W.M.* itself — recognizes that a juvenile court should not, and may not, proceed to discretionary transfer in the face of

unresolved competency. 562 S.W.2d at 853. The substantive practical reality of unresolved fitness exists independent of whether a particular Chapter 55 form was followed. Appellant cannot use a procedural attack on Chapter 55 to bootstrap his way around the practical impossibility of proceeding.

G. This Case Does Not Resemble the Decisions Appellant Cites for Reversal.

Appellant relies heavily on *Matter of C.C.C.*, 2022 WL 710143, and *In re A.M.*, 577 S.W.3d 653. Both cases are readily distinguishable.

C.C.C. involved a juvenile whose case the State allowed to lie completely dormant for years with no procedural activity at all and no evidence of any obstacle other than prosecutorial inattention. There was no commitment for restoration, no competing expert evaluations, no extreme weather event, no global pandemic, and no fifteen-month wait for a state-hospital bed. The Corpus Christi court correctly reversed that record. This is not that record.

A.M. similarly involved a record where the State could not point to any specific obstacle that prevented timely proceeding. The First Court of Appeals reversed because the evidence supporting impracticability was "a complete absence of proof." 577 S.W.3d at 659. This record could not be more different. The State here has identified at least five substantial, documented obstacles — none of which existed in *A.M.*

The closer analogue is J.J.T., 711 S.W.3d at 696-98, which affirmed a § 54.02(j)(4)(A) transfer where the record contained multiple substantive obstacles to pre-majority proceeding. So too here.

H. Conclusion as to Issue Three.

The juvenile court did not abuse its discretion. The evidence supporting § 54.02(j)(4)(A) is more than legally sufficient and is not against the great weight and preponderance of the evidence. The transfer order should be affirmed.

IV. Reply to Issue Four: Habeas Relief Was Properly Denied Because the Restraint Is Lawful and the Pretransfer Order Is Reviewable Only on Direct Appeal.

A. Habeas Corpus Is Not a Substitute for Direct Appeal.

Texas law provides for direct appeal from a juvenile court's order waiving jurisdiction. See Tex. Fam. Code § 56.01(c)(1)(A). Appellant has invoked that direct-appeal procedure in Issues One through Three. He cannot also use a pretrial application for habeas corpus to litigate the same questions a second time.

The Court of Criminal Appeals has long held that pretrial habeas corpus is reserved for the limited category of claims that, if meritorious, would entitle the applicant to immediate release and cannot be vindicated by appeal after conviction. *Ex parte Doster*, 303 S.W.3d 720, 724 (Tex. Crim. App. 2010); *Ex parte Springer*, 619 S.W.2d 414, 415 (Tex. Crim. App. 1981) ("pretrial habeas corpus is an extraordinary remedy . . . [not] available when there is an adequate remedy at law"). Sufficiency-of-the-evidence challenges, defective-pleading challenges, and procedural-statute challenges generally are not cognizable on pretrial habeas. *Doster*, 303 S.W.3d at 724; *Headrick v. State*, 988 S.W.2d 226, 228 (Tex. Crim. App. 1999).

Each of Appellant's habeas claims falls into the category that must be raised on direct appeal: (i) the qualifications of the presiding judge are reviewable on direct appeal of any resulting order; (ii) defects in service of summons are reviewable on

direct appeal; (iii) sufficiency of evidence supporting impracticability is reviewable on direct appeal of the transfer order. Indeed, Appellant has now raised each of those claims on direct appeal in Issues One through Three. The juvenile court was right to deny pretrial habeas relief on that basis alone.

B. Family Code § 56.01(o) Does Not Convert Habeas into a Mini-Appeal.

Appellant cites Tex. Fam. Code § 56.01(o), which preserves the right to seek habeas relief, and *Ex parte A.V.*, 695 S.W.3d 16 (Tex. App.—Eastland 2024, pet. denied). Neither stands for the proposition that habeas is a parallel mechanism to challenge the same matters that are subject to direct appeal. Section 56.01(o) simply confirms that Chapter 56's appellate procedures do not supplant the constitutional writ of habeas corpus for true illegality-of-restraint claims. *A.V.* addressed a juvenile who had not yet had his direct appeal — habeas was used as the only available remedy. Here, Appellant has a direct appeal in this very Court.

C. Even on the Merits, the State's Evidence Defeats the Habeas Claim.

Even if the Court reached the merits of the habeas claim, Appellant carries the burden to prove the unlawfulness of his restraint by a preponderance of the evidence. *In re Commitment of Richards*, 202 S.W.3d 779, 789 (Tex. App.—Beaumont 2006, pet. denied); *Ex parte Kerr*, 64 S.W.3d 414, 419 (Tex. Crim. App. 2002). Appellant fails for the same reasons his other issues fail.

As to § 51.0412 retention, the record supports each element: (1) the original petition was filed before majority; (2) the proceeding was not completed before majority; and (3) the State proceeded with sufficient diligence given the unresolved fitness questions and the external obstacles outlined above. (CR4:1477.) The trial court entered explicit findings on each element. The post-majority restraint is therefore expressly authorized by § 51.0412 and is not unlawful.

As to the transfer findings, the State's evidence under § 54.02(j)(4)(A) is summarized in Issue Three above. The same evidence supports the lawfulness of S.L.B.'s continued restraint. Restraint pursuant to a valid commitment for restoration of fitness, see Tex. Fam. Code §§ 55.31, 55.32, plus restraint pursuant to a valid pretransfer detention order under Tex. Fam. Code Chapter 54, is lawful restraint, not unlawful restraint subject to habeas.

D. The Trial Court Did Not Abuse Its Discretion in Denying the Writ.

On habeas review, factual determinations made by the habeas court are reviewed under an abuse-of-discretion standard, with great deference to the habeas court's credibility findings. *Ex parte Garcia*, 353 S.W.3d 785, 787 (Tex. Crim. App. 2011). Pure questions of law are reviewed de novo. *Ex parte Peterson*, 117 S.W.3d 804, 819 (Tex. Crim. App. 2003). The juvenile court here heard testimony, weighed credibility, took judicial notice of the entire procedural history, and concluded that

S.L.B.'s confinement was lawful. (CR1:721-767.) That determination is amply supported by the record.

E. Conclusion as to Issue Four.

Habeas corpus is the wrong remedy for the complaints Appellant raises, and in any event the record fully supports the juvenile court's denial of the writ. The order denying habeas relief should be affirmed.

CONCLUSION AND PRAYER FOR RELIEF

For nearly nine years, the juvenile court patiently navigated one of the most procedurally complex prosecutions in Chambers County's history: a fourteen-year-old defendant accused of the double capital murder of his grandparents, with severe and contested competency issues, two formal adjudications of unfitness, two restoration commitments at a maximum-security state hospital, Hurricane Harvey, a global pandemic, and an array of defense-driven evaluations and continuances. Through it all, the State acted in good faith and within the bounds of the Family Code. When fitness was restored and the realities of pre-majority proceeding had made themselves clear, the State proceeded — correctly — under Tex. Fam. Code § 54.02(j).

Appellant's four issues amount to a request that this Court vacate that careful work on the basis of unsupported assertions about the presiding judge's qualifications, hypertechnical objections to long-completed service of process, a strained reading of Chapter 55, and a misuse of pretrial habeas corpus. The Family Code, the Texas Supreme Court's decision in *Matter of J.J.T.*, and the deferential standards of appellate review do not support that result.

Appellee, the State of Texas, respectfully prays that this Court:

1. Overrule each of Appellant's four issues;

2. Affirm the juvenile court's June 4, 2025 Order Waiving Jurisdiction and Transferring S.L.B. to Criminal Court;
3. Affirm the juvenile court's January 30, 2025 Order Denying Petition for Writ of Habeas Corpus; and
4. Award the State all such other and further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

CHAMBERS COUNTY ATTORNEY'S OFFICE

/s/ [add]

[Add]

ATTORNEY FOR APPELLEE,

THE STATE OF TEXAS

CERTIFICATE OF COMPLIANCE

Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), I certify that this Brief for Appellee was prepared using Microsoft Word and that, according to that program's word-count function, the sections covered by Tex. R. App. P. 9.4(i)(1) contain approximately 9,250 words, which is well within the 15,000-word limit established by Tex. R. App. P. 9.4(i)(2)(B).

/s/ [add]

[Add]

CERTIFICATE OF SERVICE

I certify that on the date of filing, a true and correct copy of the foregoing Brief for Appellee was served by electronic mail on the following counsel of record:

[Add]

ATTORNEY FOR APPELLANT, S.L.B.

/s/ [add]

[Add]