Affirmed and Opinion Filed April 27, 2026

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-25-00180-CR

DARREN COLEMAN, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 86th Judicial District Court
Kaufman County, Texas
Trial Court Cause No. 23-00237-86-F

MEMORANDUM OPINION

Before Justices Garcia, Breedlove, and Jackson
Opinion by Justice Garcia

Appellant was indicted for murder when he was sixteen years old. The Juvenile Court held a certification hearing, waived its jurisdiction, and transferred the case to district court to prosecute appellant as an adult. A jury found appellant guilty and assessed punishment at forty-two years in prison.

In two issues, appellant now argues the Juvenile Court abused its discretion by transferring the case because the evidence was insufficient to establish that a full investigation was completed and appellant could not be rehabilitated, and the trial court abused its discretion by admitting a video during the punishment phase that

had not been properly authenticated. As discussed below, we affirm the trial court's judgment.

I. BACKGROUND

Appellant was sixteen years old when he boarded a school bus with a stolen gun, traveled to the victim's location, shot the victim three times, and killed him. Appellant was indicted for murder.

The Juvenile Court ordered a "psychological exam, diagnostic study, social evaluation, and full investigation of [appellant], his circumstances, and the circumstances of the alleged offense" and conducted a certification hearing to determine if the case should be transferred and appellant tried as an adult. After considering the results of the investigation and testimony at the hearing the Juvenile Court found:

> After this court conducted a full investigation and hearing on this case, the Court further finds there is probable cause to believe that the child before the court committed the offense alleged and that because of the seriousness of the offense alleged and because of the background of the child, the welfare of the community requires criminal proceedings.

The Court waived its jurisdiction and transferred the case to District Court.

The case was subsequently tried to a jury in the district court. The jury found appellant guilty of murder and assessed punishment at forty-two years in prison. This appeal followed.

II. ANALYSIS

A. Juvenile Transfers and Standard of Review

Juvenile courts have exclusive original jurisdiction over cases involving delinquent conduct by children between ten and seventeen years old. *See* TEX. FAM. CODE ANN. §§ 51.02(2)(a), 51.04(a). The Juvenile Justice Code allows a juvenile court to waive its exclusive original jurisdiction and transfer a child to the appropriate district court or criminal district court only under specific circumstances. *See generally id*. § 54.02. Here, because the State alleged that appellant had committed a felony, the juvenile court could waive its jurisdiction and transfer appellant to the criminal district court if "after a full investigation and a hearing," the court determined that (1) "there [wa]s probable cause to believe that [appellant had] committed the offense alleged" and (2) "because of the seriousness of the offense alleged or the background of [appellant,] the welfare of the community require[d] criminal proceedings." TEX. FAM. CODE ANN. § 54.02(a). The State had the burden to persuade the juvenile court by a preponderance of the evidence to waive its jurisdiction and transfer the case. *See In re J.H*., No. 02-24-00370-CV, 2025 WL 356497, at *3 (Tex. App.—Fort Worth Jan. 30, 2025, pet. denied) (mem. op.) (noting State's burden in transfer proceeding).

In determining whether to waive jurisdiction and transfer the case, a juvenile court must consider, among other matters,

> (1) whether the alleged offense was against person or property, with greater weight in favor of transfer given to offenses against the person;
>
> (2) the sophistication and maturity of the child;
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> (3) the record and previous history of the child; and
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> (4) 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.

TEX. FAM. CODE ANN. § 54.02(f).

Although the juvenile court must consider these factors, they are not elements that the State must prove. *See id.; J.H.*, 2025 WL 356497, at *3. If the juvenile court decides to waive its jurisdiction, it must enter a written order in which it states specifically its reasons for waiver and its findings. *Id.* § 54.02(h). But "the juvenile court is not required to exhaustively catalogue all evidence introduced during the transfer hearing in its written order; the statute merely requires it to specify its reasons and findings for waiver." *Matter of S.G.R.*, 496 S.W.3d 235, 241 (Tex. App.—Houston [1st Dist.] 2016, no pet.). In addition, Section 54.02(f) "does not mandate that any particular factor be true, state that the factors are exclusive, or limit the purpose for which the . . . factors may be considered." *Ex parte Thomas*, 623 S.W.3d 370, 382 (Tex. Crim. App. 2021).

We review a juvenile court's decision to waive its exclusive original jurisdiction and transfer a case to district court using a two-step process. *In re J.J.T.*, 711 S.W.3d 687, 695 & n.21 (Tex. 2025); *In re S.D.*, No. 05-24-01484-CV, 2025 WL 1284657, at *2 (Tex. App.—Dallas May 2, 2025, no pet.) (mem. op.). First, we

review the juvenile court's finding for sufficiency of the evidence. *In re S.D.*, 2025 WL 1284657, at *4. In reviewing the legal sufficiency of the evidence, we view the evidence in the light most favorable to the juvenile court's findings and disregard contrary evidence unless a reasonable factfinder could not reject it. *Id.* If there is more than a scintilla of evidence to support the juvenile court's finding, the evidence is legally sufficient and the challenge fails. *Id.* Under a factual sufficiency challenge, we consider all of the evidence presented to determine if the court's finding is so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. *Id.* The factfinder alone judges the witnesses' credibility and the weight to be given their testimony and is free to accept all, reject all, or accept only parts of any witness's testimony. *In re A.B.*, No. 02-18-00274-CV, 2019 WL 983751, at *3 (Tex. App.—Fort Worth Feb. 28, 2019, no pet.) (mem. op.).

If the juvenile court's findings are supported by legally and factually sufficient proof, we then review the ultimate waiver decision under an abuse-of-discretion standard. *Collins v. State*, 516 S.W.3d 504, 520 (Tex. App.—Beaumont 2017, pet. ref'd); *Bell v. State*, 649 S.W. 3d 867, 885 (Tex. App—Houston [1st Dist.] 2022, pet. ref'd). In doing so, we ask whether the juvenile court acted arbitrarily, without reference to guiding rules or principles. *In re E.B.*, No. 12-22-00162-CV, 2022 WL 17074849, at *3 (Tex. App.—Tyler Nov. 17, 2022 no. pet.) (mem. op.).

B. Sufficiency of the Evidence

Appellant's first issue argues the evidence is insufficient to support the juvenile court's finding that a full investigation had been completed and appellant could not be rehabilitated. Specifically, appellant complains that gunshot residue test results were not available, the social media review had not been completed, and "evidence corroborating appellant's self-defense claim had not been obtained."

Although the family code requires a "full investigation" before a juvenile may be transferred, the code does not define the phrase "full investigation." *Turner v. State,* 796 S.W.2d 492, 497 (Tex. App.—Dallas 1990, no writ). The course and scope of an investigation will vary according to circumstances. *Id.* A juvenile may challenge the fullness of the investigation, but the initial determination of whether the investigation was sufficiently complete must be made by the court that ordered it. *Id.*; *see also In re Z.T.*, No. 05-21-00138-CV, 2021 WL 3645103, at *9 (Tex. App.—Dallas Aug. 17, 2021, pet. denied) (mem. op.).

Prior to the certification hearing, the Juvenile Court ordered a "psychological exam, diagnostic study, social evaluation, and full investigation of the child, his circumstances, and the circumstances of the alleged offense." At the hearing, the court took judicial notice of the contents of its file, which included the reports from the investigation.

Christina Rodriguez, a juvenile probation officer, testified during the certification hearing. She said that appellant was sixteen at the time of the crime,

and, according to his psychological evaluation, was sophisticated and mature enough to stand trial as an adult. The assessing psychologist also concluded that appellant was at a high risk for future aggressive behavior.

Rodriguez testified that appellant had previous referrals to the juvenile probation office. ("JPO"). He was placed on deferred probation for three offenses: indecent exposure, theft of property and criminal trespass. He completed the probation for the indecent exposure but was charged with two more offenses while he was on probation for the theft and criminal trespass cases. The two new offenses were for assault causing bodily injury. While the assault and theft cases were pending, appellant was charged with possession of a controlled substance. A week after he was charged with possession of a controlled substance, appellant was arrested for murder. While preparing appellant's Social Evaluation Investigative Report, Roderiguez also discovered that the appellant was being investigated for an aggravated robbery offense in Dallas County that allegedly occurred in July of 2023.

The psychological evaluation indicated that appellant's insight was fair and judgment questionable, appellant had a sad affect and was blunted, appellant suffered from anxiety and thought about what could happen to him and his family, had an issue with his temper and "thoughts" would trigger it. The evaluation further found that appellant had problems with articulation and had behavioral and academic difficulties attributed to ADHD. Due to these particular issues, the appellant met the educational disability criteria for having a health impairment. He scored below

average in intelligence, low average in verbal comprehension and average in perceptual reasoning.

Appellant had previously been evaluated in 2021 by the juvenile probation office and scored him at 79 for IQ which placed him in the borderline range of intellectual functioning. Testing also indicated that appellant's verbal abilities were much weaker than his nonverbal abilities. Rodriguez could not say how this difference would play out in confrontational situations in the "real world."

The evaluation stated that appellant suffers from depression and "angst" because he believes that "the pleasure of peace of mind are impossible to come by." He lacks the willpower "to hope for a better future."

Based on all the tests and evaluation of these tests, the psychologist opined that: (1) appellant was inclined "to act out his feelings with minimal provocation, showing poor control over his aggressive impulses, (2) appellant can be easily excited over small matters, (3) appellant may discharge his urges in sudden impetuous or foolish ways, (4) appellant responds impulsively when he feels approached upon, confused, or irritated "by the world around him" (5) appellant attempts to regain his sense of control and independence by reacting strongly, and (6) appellant has a positive attitude towards intervention and authority. The psychologist further opined that appellant was able to "think maturely and like an adult" and that he "met the criteria for conduct disorder."

Rodriguez admitted that the first two pages of her social evaluation tracked the police report verbatim and that based on the JPO's investigation of the current offense, no additional information was obtained. JPO did speak with investigating officers at the police department. JPO also interviewed one of appellant's parents and learned that there had been previous incidents involving appellant and the complaining witness and threats has been made towards appellant's life. Rodriguez described the offense as "premeditated" because even though appellant had been withdrawn from school, he got on the school bus with a gun and went to the area where the victim was located and shot him.

Even though Rodriguez did not look at any social media postings in conjunction with the offense she was aware of them from appellant's detention hearing. Rodriguez also spoke with appellant's brother, cousin, aunt and sister. Rodriguez believed the JPO had completed a full investigation of the circumstances surrounding the offense.

Rodriguez testified that when determining whether a juvenile should be placed in the adult system, she considers the offense the juvenile is charged with, his criminal history, and his "sophistication and maturity." In appellant's case, Rodriguez looked at appellant's prior offenses, the escalation and severity of the offenses involving crimes against a person and a gun, and the fact that the appellant was not responding to current conditions of probation. Accordingly, Rodriguez concluded that appellant's case warranted being sent to the adult courts. She did not

believe that the Texas Juvenile Justice Department had the ability to rehabilitate appellant.

Doc Ballard, a detective with the Terrell Police Department, testified about the investigation of the case. Ballard said the police had reviewed some social media posts but were still waiting on some information from the involved parties' accounts. Ballard was also waiting for the results of gunshot residue tests that were administered on the appellant and other individuals. Ballard said no one from JPO had contacted him about his investigation of the case. Ballard testified that appellant was seen on surveillance video carrying the murder weapon, engaging in an altercation with the victim, and then running from the scene of the murder. He learned that there had been ongoing issues and threats of violence between appellant and the victim and reviewed other police reports of incidents between appellant and the victim.

Appellant's mother told the officers responding on the scene that her gun had been stolen. An autopsy report was performed and showed that the victim was shot three times and homicide was the cause of death. Appellant did not deny the shooting; he claimed it was done in self-defense.

When the hearing concluded, the Juvenile Court made the following findings:

- The court conducted a full investigation and hearing.
- The offense was against a person.
- Based on testimony and the psychological evaluation, social history report, and investigative report, Appellant is sufficiently sophisticated

and mature to be tried as an adult and sufficiently mature to aid in his defense.

• There is a record of previous history that indicates transfer is required.

• Appellant could not be rehabilitated in the juvenile system, and the public would not be protected if he was in the juvenile system.

• There is probable cause to believe Appellant committed the felony offense for which he is charged.

• Appellant is over fourteen years old, and the offense is serious.

• There has not been a prior adjudication of the felony.

On this record, appellant's insistence that the investigation was not complete is not persuasive. Although appellant does not identify which of the Section 54.02(a) factors were not satisfied because of the information missing from the investigation, he does not challenge the seriousness of the offense or appellant's background. Therefore, the issue turns on probable cause.

The record reflects that even though the police were still waiting for some additional social media information and the gunshot residue tests, there was sufficient probable cause that appellant committed the crime. Moreover, section 54.02(a) does not specify that all aspects of an investigation be completed. Instead, it requires only a "full investigation" to determine probable cause and whether the welfare of the community requires criminal proceedings. *See* TEX. FAM. CODE ANN. § 54.02(a). Appellant does not argue, or provide authority to suggest that this missing information rendered the 54.02(a) analysis incomplete. The Juvenile Court

determined that there was a "full investigation" as required by the statute, and the record supports this conclusion.

Appellant's argument concerning the investigation of evidence to support his defense is similarly misplaced. A juvenile certification hearing is not a trial on the merits. *State v. Lopez*, 196 S.W.3d 872, 874 (Tex. App.—Dallas 2006, pet. ref'd). The hearing is comparable to a criminal probable cause hearing, and the court need not resolve evidentiary conflicts beyond a reasonable doubt. *Id.* Thus, the question for a juvenile court at a transfer hearing is not whether the State presented sufficient evidence to establish the child's guilt. *In re A.A.*, 929 S.W.2d 649, 653 (Tex. App.—San Antonio 1996, no writ). Instead, the juvenile court must consider, among other things, whether the evidence is sufficient to establish probable cause. The standard for probable cause "is much lower than the burden of proof necessary to convict." *In re M.B.*, No. 14-23-00969-CV, 2024 WL 3041398, at *5 (Tex. App.—Houston [14th Dist.] June 18, 2024, no pet.) (mem. op.); *see In re K.A.*, No. 10-25-00016-CV, 2025 WL 1911998, at *3 (Tex. App.—Waco July 10, 2025, pet. denied) (mem. op) (noting that Section 54.02 requires probable cause, "not proof of guilt"). Probable cause exists when sufficient facts and circumstances would warrant a reasonably prudent person's belief that the suspect had committed the alleged offense. *In re S.B.*, No. 02-19-00048-CV, 2019 WL 3334615, at *6 (Tex. App.—Fort Worth July 25, 2019, pet. denied) (mem. op.). Potential defenses are not part of the probable cause determination. *Cf. In re J.M.,* 995 S.W.2d 838, 841 n. 7 (Tex.

App.—Austin 1999, no pet.) (providing that even if an accused offers exculpatory evidence that may later support a defense, an officer's probable cause to arrest is not eliminated); *Bland v. Texas Dep't of Pub. Safety*, No. 14-12-01057-CV, 2013 WL 3868447, at *5 (Tex. App.—Houston [14th Dist.] July 23, 2013, pet. denied) (officer not required to ignore facts that would lead him to reasonably conclude appellant committed offense). In this instance, we find no basis to conclude the Juvenile Court abused its discretion in concluding there was a full investigation.

Appellant also argues the Juvenile Justice Department had the ability to rehabilitate him with proper medication for his mental health. Although the psychiatrist's report recommended evaluation to determine if medication would improve appellant's mental health, there was no indication that it would do so or that such medication would alter appellant's escalating pattern of criminal behavior.

The evidence shows that but for appellant's successful completion of his probation for indecent exposure, the system was unable to successfully rehabilitate appellant and his level of violence was escalating. Rodriguez specifically testified that she did not believe the Juvenile Justic Department had the ability to rehabilitate appellant.

Further, even if there was insufficient evidence to support the trial court's finding concerning the likelihood of rehabilitation, the court could still order a transfer based on the strength of the other factors—that is, an offense committed against a person, appellant's sophistication and maturity, and appellant's record and

previous history. *See* TEX. FAM. CODE ANN. §54.029(f); *In re K.M.D.*, No. 05-17-01284-CV, 2018 WL 3238142, at *2 (Tex. App.—Dallas July 3, 2018, no pet.) (mem. op.) (not every factor must weigh in favor of transfer). Appellant's first issue is overruled.

C. Admission of Evidence During the Punishment Phase

Appellant's second issue argues the trial court erred in admitting Exhibit 52, a school surveillance video (without audio) of appellant assaulting someone outside a bathroom. According to appellant, the video was not properly authenticated.

We review a trial court's decision to admit punishment evidence under an abuse of discretion standard. *Davis v. State*, 329 S.W.3d 798, 803 (Tex. Crim. App. 2010); *Walters v. State*, 247 S.W.3d 204, 217 (Tex. Crim. App. 2007); *Benton v. State*, No. 05-23-01302-CR, 2025 WL 919484, at *7 (Tex. App.—Dallas Mar. 26, 2025, no pet.) (mem. op., not designated for publication). A trial court has considerable latitude with regard to evidentiary rulings, and we will uphold a trial court's admissibility decision that falls within the zone of reasonable disagreement. *Fowler v. State*, 544 S.W.3d 844, 848 (Tex. Crim. App. 2018).

The State argues that appellant failed to preserve this issue for our review because his trial objections were based on hearsay, Rule 403, and "improper predicate," rather than lack of authentication. We are aware of precedent from this Court holding that "an 'improper predicate' objection is not sufficiently specific to preserve error with respect to authentication." *Burks v. State*, No. 05-14-01369-CR,

2016 WL 347068 *2 (Tex. App.—Dallas January 28, 2016, no pet.) (mem. op.). But here, the extensive discussion of the issue and the trial court's ruling provide context demonstrating that the court regarded authentication as the basis for the objection. To this end, the court stated:

> But right now I think there's indicators of reliability on the first one similar to all of the videos that have come in. If this officer can state what it is and what it -- and it accurately portrays what it purports to portray, which I believe he said at the very end.

Therefore, we consider appellant's issue.

To properly authenticate an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it to be. TEX. R. EVID. 901(a). Texas Rule of Evidence 901 further provides, by way of illustration and not by way of limitation, the following examples of means of authentication:

> (1) Testimony of witness with knowledge. Testimony that an item is what it is claimed to be.
>
> . . .
>
> (2) Distinctive Characteristics and the Like. The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

TEX. R. EVID. 901(b). This rule governs the admissibility of video recordings. *See Fowler*, 544 S.W.3d at 848–49. Conclusive proof of authenticity is not required before allowing admission of disputed evidence. *Id*. at 848. Rule 901 merely requires evidence sufficient to support a finding that the evidence in question is what the proponent claims. *Id*. "[T]he most common way to authenticate a video is through

the testimony of a witness with personal knowledge who observed the scene." *Id*. at 849; *see also Chatman v. State*, Nos. 05-18-00020-CR, 05-18-00021-CR, 05-18-00022-CR, 2018 WL 6629531 at *4 (Tex. App.—Dallas Dec. 19, 2018, no pet.). But evidence may also be authenticated by the he comparison of such evidence with other authenticated evidence, or by circumstantial evidence. TEX. R. EVID. 901(b)(1), (3), (4); *Tienda v. State*, 358 S.W.3d 633, 638 (Tex. Crim. App. 2012). Authenticity may also be established with evidence of "[d]istinctive [c]haracteristics and the [l]ike," which include "[t]he appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances." TEX. R. EVID. 901(b)(4). "Video recordings without audio are treated as photographs and are properly authenticated when it can be proved that the images accurately represent the scene in question and are relevant to a disputed issue." *Huffman v. State*, 746 S.W.2d 212, 222 (Tex. Crim App. 1988) (concluding that the rules relating to the admission of ordinary photographs applied to an exhibit that was only a visual portion of a videotape)); *see also Garcia v. State*, No. 11-16-00347-CR, 2018 WL 6928986, at *4 (Tex. App.—Eastland Dec. 31, 2018, no pet.) (mem. op., not designated for publication) (citing *Gordon v. State*, 784 S.W.2d 410, 411 (Tex. Crim. App. 1990)).

Here, Nathan Hauger, a criminal investigator with the District Attorney's office testified that the video came from the Terrell ISD Police Department. He explained that cases are first filed with juvenile probation and then get "routed" to

the district attorney's office. All evidence is filed with the district attorney's office. Hauger said that he received the video in the "natural course" according to how cases are typically handled; he received it directly from the DA's office. Hauger reviewed the video and was able to identify appellant in the video.

Under these circumstances, we cannot conclude the trial court abused its discretion in concluding that the video was what it purported to be. *See* TEX. R. EVID. 901.

Moreover, even if the video was erroneously admitted, appellant has not demonstrated harm. *See* TEX. R. APP. P. 44.2(b). There was considerable evidence during the punishment phase regarding appellant's pattern of criminal behavior and interaction with the juvenile justice system, including his assault charges. Larry Harry, a Juvenile Probation Officer testified that he watched a video of an assault. The jury had already determined that appellant committed murder, and there is nothing to suggest that the assault video had a substantial or injurious effect on the jury's punishment determination. *Reese v. State*, 33 S.W.3d 238, 243 (Tex. Crim. App. 2000) (applying harm analysis to admission of improper evidence at punishment). Appellant's second issue is overruled.

Having resolved all of appellant's issues against him, we affirm the trial court's judgment.

/Dennise Garcia/
DENNISE GARCIA
JUSTICE

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TEX. R. APP. P. 47.2(b)