

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In the Matter of A. P. v. the State of Texas

In re A. P. · No. 01-25-00423-CV; 01-25-00424-CV; 01-25-00425-CV; 01-25-00428-CV; 01-25-00549-CV; 01-25-00550-CV; 01-25-00551-CV · Decided December 2, 2025

SUMMARY

The First Court of Appeals of Texas affirmed juvenile-court orders waiving jurisdiction and transferring A.P.’s seven delinquency cases to district court for criminal proceedings. The court held that the evidence supported the transfer decision and that probable cause existed to believe A.P. participated in the capital murder.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Clint Morgan; Chief Justice Adams; Justice Morgan; Justice Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	December 2, 2025
DOCKET	01-25-00423-CV; 01-25-00424-CV; 01-25-00425-CV; 01-25-00428-CV; 01-25-00549-CV; 01-25-00550-CV; 01-25-00551-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Juvenile-certification appeal from orders waiving the juvenile court's exclusive original jurisdiction and transferring A. P. to a district court for criminal proceedings.
STANDARD OF REVIEW	For the juvenile court's transfer findings, the court first reviews legal sufficiency and then factual sufficiency. Legal sufficiency is reviewed in the light most favorable to the transfer order, while factual sufficiency considers all the evidence and asks whether the findings are so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. If the evidence is legally and factually sufficient, the ultimate transfer decision is reviewed for abuse of discretion. The probable-cause determination is a question of law reviewed de novo when, as here, the underlying facts are undisputed; if facts are disputed, the issue is a mixed question of law and fact.
PRECEDENTIAL VALUE	published
PARTIES	A. P. v. the State of Texas

TOPICS

appellate procedure

standard of review

probable cause

criminal procedure

evidence

PRACTICE AREAS

juvenile law

criminal procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the evidence was legally and factually sufficient to support the juvenile court's determination that the welfare of the community required criminal proceedings and its waiver of jurisdiction in the seven cases.
2. Whether there was probable cause to believe A. P. committed capital murder in the Leyva case.
3. What standard of review applies to a juvenile court's probable-cause determination under Texas Family Code section 54.02(a).

HOLDINGS

1. The evidence was legally and factually sufficient to support the juvenile court's determination that the welfare of the community required criminal proceedings, and the juvenile court did not abuse its discretion by waiving jurisdiction.
2. There was probable cause to believe A. P. committed capital murder as a party to the offense.
3. Probable cause under Texas Family Code section 54.02(a) is a legal standard, not a fact finding subject to legal- or factual-sufficiency review. When the underlying facts are undisputed, the appellate court reviews the determination de novo; when facts are disputed, the issue is a mixed question of law and fact.

KEY QUOTATIONS

"We take this opportunity to clarify that probable cause is not a fact-finding but is a question of law, and we review it as such." (11)

"Probable cause deals with probabilities; it requires more than mere suspicion but far less evidence than that needed to support a conviction or even that needed to support a finding by a preponderance of the evidence." (14)

"The totality of the circumstances create a reasonable inference the appellant and Vasquez acted as parties for this robbery and murder." (17)

FACTUAL BACKGROUND

At age fifteen, A. P. allegedly participated in four Houston-area robberies in January 2024, including robberies involving multiple shootings and the fatal shooting of seventy-six-year-old Osvaldo Leyva. Witnesses identified A. P. in photographic lineups, and surveillance footage and police investigation connected him with the other alleged robber and with Leyva's property. A. P. had an extensive juvenile-justice history, had spent much of the preceding three years detained or on supervision, and was on juvenile community supervision when the charged

conduct occurred. Psychological evidence showed very low academic functioning and a recent IQ score of 52, although the evaluating psychologist questioned that score because earlier scores were substantially higher and malingering tests raised concerns about effort.

PROCEDURAL HISTORY

The State filed seven juvenile-delinquency petitions alleging six aggravated robberies and one capital murder. After an evidentiary hearing, the juvenile court found the statutory requirements satisfied, including probable cause and the need for criminal proceedings because of the seriousness of the offenses and the appellant's background, and waived jurisdiction in favor of the district court. A. P. appealed, challenging the sufficiency of the evidence supporting the waiver decision and the probable-cause finding for the capital-murder case. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Bell v. State, 649 S.W.3d 867 (Tex. App.—Houston [1st Dist.] 2022, pet. ref'd)
- Ex parte Thomas, 623 S.W.3d 370 (Tex. Crim. App. 2021)
- Almanzar v. State, No. 01-11-01058-CR, 2012 WL 6645003 (Tex. App.—Houston [1st Dist.] Dec. 20, 2012)
- In re M.A., 935 S.W.2d 891 (Tex. App.—San Antonio 1996, no writ)
- Ex parte Hawkins, 6 S.W.3d 554 (Tex. Crim. App. 1999)
- A.T.S. v. State, 694 S.W.2d 252 (Tex. App.—Fort Worth 1985, writ dism'd)
- In re I. B., 619 S.W.2d 584 (Tex. App.—Amarillo 1981, no writ)
- In re G.F.O., 874 S.W.2d 729 (Tex. App.—Houston [1st Dist.] 1994, no writ)
- In re B.N.E., 927 S.W.2d 271 (Tex. App.—Houston [1st Dist.] 1996, no writ)
- In re H.Y., 512 S.W.3d 467 (Tex. App.—Houston [1st Dist.] 2016, pet. denied)
- In re C.R., 571 S.W.3d 849 (Tex. App.—Houston [1st Dist.] 2018, no pet.)
- In re C.P.R., No. 01-22-00792-CV, 2023 WL 5761125 (Tex. App.—Houston [1st Dist.] Sept. 7, 2023, no pet.)
- Guzman v. State, 955 S.W.2d 85 (Tex. Crim. App. 1997)
- Richey v. Brookshire Grocery Co., 952 S.W.2d 515 (Tex. 1997)
- State v. Carter, 915 S.W.2d 501 (Tex. Crim. App. 1996)
- Webster v. Fall, 266 U.S. 507 (1925)
- Landa v. Obert, 45 Tex. 539 (1876)
- Hurst v. State, 13 S.W.2d 95 (Tex. 1928)
- Garza v. State, 126 S.W.3d 79 (Tex. Crim. App. 2004)
- Dixon v. State, 206 S.W.3d 613 (Tex. Crim. App. 2006)

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