



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0330-17

JACOB LEE BOYD, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE FIFTH COURT OF APPEALS
DALLAS COUNTY**

Per curiam. **KELLER, P.J. dissents.**

OPINION

Appellant was convicted of murder and sentenced to eighty years' imprisonment. In the third issue on appeal, Appellant claimed that the trial court erroneously admitted evidence of the statement that he gave to police because, under Supreme Court case law, additional Constitutional protections are required whenever police interview anyone who is under eighteen years of age, and no additional precautions were taken in this case. The court of

appeals affirmed, holding that Appellant was an adult under Texas law because he was seventeen at the time he gave his statement, and the protections afforded to a juvenile under Texas law were not applicable. *Boyd v. State*, No. 05-16-00106-CR (Tex. App.–Dallas, March 28, 2017). Appellant petitioned this Court for discretionary review.

Appellant contends that the court of appeals did not address every issue that he raised on appeal, as required by Rule of Appellate Procedure 47.1. Appellant’s brief on appeal argued that he was a juvenile and entitled to additional constitutional protections when he made his custodial statement to police. The argument under this issue relied solely on Supreme Court jurisprudence. Appellant’s claim was not based on the Texas Family Code or any other Texas law related to juveniles. The court of appeals did not address this claim.

Therefore, we grant ground one of Appellant’s discretionary review, vacate the judgment of the Court of Appeals, and remand for that court to consider Appellant’s third issue on appeal. The remaining grounds in Appellant’s petition are refused without prejudice.

Delivered: June 28, 2017
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