



NUMBER 13-10-00025-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

KIMBERLY GALINDO,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

On appeal from the 156th District Court
of Bee County, Texas.

MEMORANDUM OPINION

Before Chief Justice Valdez and Justices Yañez and Garza
Memorandum Opinion by Justice Garza

By one issue, appellant Kimberly Galindo contends that the trial court abused its discretion when it revoked her community supervision. See TEX. CODE CRIM. PROC. ANN. art. 42.12, § 21 (Vernon Supp. 2009). We affirm.

I. BACKGROUND

Galindo was convicted of assault on a public servant, a third-degree felony, on November 21, 2006. See TEX. PENAL CODE ANN. § 22.01(a)(1) (Vernon Supp. 2009). Galindo pleaded guilty to the offense pursuant to a plea agreement with the State and was

sentenced to ten years' imprisonment in a state facility along with a \$2,500 fine. The trial court suspended Galindo's sentence and placed her on regular community supervision for ten years. See TEX. CODE CRIM. PROC. ANN. art. 42.12, § 21. Notably, during her community supervision, Galindo pled guilty to another felony, injury to a child by omission. See TEX. PENAL CODE ANN. § 22.04 (Vernon Supp. 2009). Galindo was granted community supervision for this offense, as well.

On October 13, 2009, the Goliad County Sheriff's Department issued a warrant for Galindo's arrest based on a new charge of theft of property valued between \$1,500 and \$20,000, a state jail felony.¹ See *id.* § 31.03(a), (e)(4)(A) (Vernon Supp. 2009). Due to this new arrest, the State alleged that Galindo violated the terms and conditions of her community supervision by committing theft and filed a motion to revoke Galindo's community supervision.

A hearing was conducted on the State's motion to revoke on December 29, 2009. At the hearing, Galindo entered a plea of "true" to the allegation of theft in the State's motion to revoke.² After considering the options available and Galindo's criminal history, the trial court revoked Galindo's community supervision and assessed her punishment at eight years' confinement. This appeal followed.

II. DISCUSSION

In a community supervision revocation proceeding, the State must prove by a preponderance of the evidence that the defendant violated the terms of her community supervision. *Cobb v. State*, 851 S.W.2d 871, 873 (Tex. Crim. App. 1993). We review a trial court's order revoking community supervision for an abuse of discretion. *Rickles v.*

¹ This charge was based on an allegation that Galindo misappropriated a gold diamond ring from Orlean Lubbock, the mother of one of Galindo's long-time friends.

² The State amended the motion to reduce the value of the property stolen to an amount of more than \$500 but less than \$1,500, a class A misdemeanor. See TEX. PENAL CODE ANN. § 31.03(a), (e)(3) (Vernon Supp. 2009).

State, 202 S.W.3d 759, 763 (Tex. Crim. App. 2006). A trial court has very broad discretion over community supervision, its revocation, and its modification. See TEX. CODE CRIM. PROC. ANN. art. 42.12, § 21.

By one issue, Galindo contends that the trial court abused its discretion when it revoked her community supervision. It is well-established that a single violation of a community supervision condition is sufficient to support the trial court's decision to revoke community supervision. *Herrera v. State*, 951 S.W.2d 197, 199 (Tex. App.—Corpus Christi 1997, no pet.) (citing *Moore v. State*, 605 S.W.2d 924, 926 (Tex. Crim. App. 1980); *Sanchez v. State*, 603 S.W.2d 869 (Tex. Crim. App. 1980); *Burns v. State*, 835 S.W.2d 733, 735 (Tex. App.—Corpus Christi 1992, pet. ref'd)). A plea of “true” to an allegation in the motion to revoke is sufficient, standing alone, to support an order of revocation of community supervision. *Cole v. State*, 578 S.W.2d 127, 128 (Tex. Crim. App. 1979).

At the hearing on the State's motion to revoke, Galindo pleaded “true” to the allegation that she committed theft, a violation of the terms and conditions of her community supervision. Galindo's plea of “true” is sufficient to support the trial court's revocation of her community supervision. See *id.* We conclude that the trial court did not abuse its discretion in granting the State's motion to revoke Galindo's community supervision. Accordingly, we overrule Galindo's sole issue.

III. CONCLUSION

The judgment of the trial court is affirmed. _____

DORI CONTRERAS GARZA
Justice

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TEX. R. APP. P. 47.2(b)
Delivered and filed the
15th day of July, 2010.