



**NUMBERS 13-16-00300-CR &  
13-16-00301-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**ADAM GONZALES,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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**On appeal from the 319th District Court  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Benavides and Hinojosa  
Memorandum Opinion by Chief Justice Valdez**

Pursuant to a plea bargain agreement with the State, appellant, Adam Gonzales, pleaded guilty to robbery (appellate cause number 13-16-301-CR) and burglary of a habitation (appellate cause number 13-16-00300-CR), which are both second-degree felonies. See TEX. PENAL CODE ANN. §§ 29.02, 30.02 (West, Westlaw through 2015 R.S.).

After finding that appellant violated the conditions of community supervision, the trial court revoked appellant's community supervision and sentenced him to eight years' confinement in the Texas Department of Criminal Justice–Institutional Division for each offense to run concurrently. By one issue, appellant contends that the evidence is insufficient to support the trial court's finding that he violated the terms of his community supervision. We affirm as modified.

### **I. BACKGROUND**

On August 25, 2009, appellant pleaded guilty to both offenses, and pursuant to appellant's plea agreement with the State, the trial court deferred adjudication in both cases and placed appellant on community supervision for a period of ten years. The State filed its first motion to revoke on May 1, 2009, and the trial court accepted appellant's pleas of true to all of the State's allegations that he had violated the terms of his community supervision. However, the trial court did not revoke appellant's community supervision and instead continued appellant on community supervision modifying the conditions to include, as a sanction, confinement for forty-five to one hundred days in an intermediate sanction facility.

On July 2, 2014, the trial court held a hearing on the State's second motion to revoke, accepted appellant's pleas of true to the alleged violations, and found that appellant had violated the terms of his community supervision. The trial court adjudicated appellant guilty of each offense and assessed his punishment at confinement for ten years. The trial court suspended those sentences and placed appellant on community supervision for eight years in each case, with confinement in the Substance Abuse Felony Punishment Facility for three to twelve months as a condition of community supervision.

On January 4, 2016, the State filed its third motion to revoke community supervision in both causes alleging that appellant violated the terms of his community supervision by (1) committing the offense of theft, (2) failing to report to his community supervision officer on six separate occasions, (3) failing to remain within Nueces County, Texas without being permitted to depart by the court or community supervision officer, (4) failing to pay court costs, additional court costs, presentence investigation fee, crime stoppers fee, and monthly supervision fee, and (5) being discharged unsuccessfully from Treatment Associates on August 18, 2015. At the hearing on the State's motion to revoke, appellant pleaded "true" to all of the State's allegations except that he pleaded "not true" to the allegations that he committed theft and that he failed to remain in Nueces County, Texas without being permitted to depart by the court or community supervision officer. The trial court accepted appellant's pleas of true and found those allegations to be true. The trial court then held a hearing on appellant's pleas of "not true," and after hearing evidence, it found those allegations to be true. The trial court then revoked appellant's community supervision, and after hearing evidence on punishment, sentenced appellant to eight years' confinement for each offense to run concurrently. This appeal followed.

## **II. STANDARD OF REVIEW AND APPLICABLE LAW**

We review the trial court's order revoking community supervision for an abuse of discretion. *Hacker v. State*, 389 S.W.3d 860, 865 (Tex. Crim. App 2013). A trial court may revoke community supervision if the State proves by a preponderance of the evidence that the defendant violated a condition of community supervision as alleged in the motion to revoke. *Rickels v. State*, 202 S.W.3d 759, 764 (Tex. Crim. App. 2006).

A finding of a single violation of community supervision is sufficient to support revocation. *Smith v. State*, 286 S.W.3d 333, 342 (Tex. Crim. App. 2009) (“We have long held that ‘one sufficient ground for revocation would support the trial court’s order revoking’ community supervision.”); *Moore v. State*, 605 S.W.2d 924, 926 (Tex. Crim. App. [Panel Op.] 1980); *Jones v. State*, 571 S.W.2d 191 193–94 (Tex. Crim. App. [Panel Op.] 1978). In addition, a defendant’s plea of true standing alone is sufficient to support a trial court’s decision to revoke community supervision. *Cole v. State*, 578 S.W.2d 127, 128 (Tex. Crim. App. 1979); *Moses v. State*, 590 S.W.2d 469, 470 (Tex. Crim. App. [Panel Op.] 1979).

### III. ANALYSIS

Appellant pleaded true to the allegations of, among other things, failing to report to his probation officer on six separate occasions, a finding he does not challenge on appeal. A failure to report violation provides a sufficient basis for the trial court’s decision to revoke community supervision. *See, e.g., Flournoy v. State*, 589 S.W.2d 705, 707, 709–10 (Tex. Crim. App. [Panel Op.] 1979) (finding no abuse of discretion in trial court’s revocation of community supervision for finding that the defendant failed to report); *Greer v. State*, 999 S.W.2d 484, 489 (Tex. App.—Houston [14th Dist.] 1999, pet. denied) (determining that the trial court had not abused its discretion by revoking the defendant’s community supervision after finding that the defendant had failed to report for a single month); *Guerra v. State*, 664 S.W.2d 412, 413 (Tex. App.—Corpus Christi 1983, no pet.) (explaining that the trial court did not abuse its discretion to revoke after finding that the defendant failed to report for three consecutive months); *see also Gonzalez v. State*, No. 13–14–00308–CR, 2015 WL 4140667, at \*2 (Tex. App.—Corpus Christi July 9, 2015, pet. ref’d) (mem.

op., not designated for publication). Because appellant's plea of true to failing to report is sufficient to support revocation, we need not address appellant's contentions concerning whether the State proved by a preponderance of the evidence that he committed the crime of theft or that he failed to remain in Nueces County, Texas without obtaining permission from his community supervision officer or the court to leave. See *Smith*, 286 S.W.3d at 342; *Rivera v. State*, 688 S.W.2d 659, 660 (Tex. App.—Corpus Christi 1985, no pet.) (“We will not address appellant's grounds of error [attacking the sufficiency of the evidence to support the alleged violations] individually, as one probation violation will support the trial court's order to revoke, and a plea of 'true,' standing alone, is sufficient to support revocation.”) (internal citations omitted). Therefore, we conclude that the trial court did not abuse its discretion in granting the State's motion to revoke appellant's community supervision. We overrule appellant's sole issue.

Finally, this Court has the power to modify the judgment of the trial court to make the record speak the truth when we have the necessary information to do so. TEX. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993). Here, the record clearly reflects that in both causes appellant pleaded “not true” to the State's allegation number “7a” failing to remain within Nueces County, Texas unless permitted to depart by the court or community supervision officer. However, the judgments in each cause states that appellant only pleaded “not true” to the State's allegation number one. Therefore, we modify the judgments in appellate cause number 13-16-00300-CR and appellate cause number 13-16-301-CR to reflect that appellant also pleaded “not true” to the State's allegation number 7a.

#### IV. CONCLUSION

We affirm the trial court's judgments in both causes as modified.

/s/ Rogelio Valdez

ROGELIO VALDEZ

Chief Justice

Do Not Publish.

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

Delivered and filed the  
23rd day of February, 2017.