



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

DANIEL ANCIRA,	§	
		No. 08-11-00325-CR
Appellant,	§	
		Appeal from the
v.	§	
		112th District Court
THE STATE OF TEXAS,	§	
		of Upton County, Texas
Appellee.	§	
		(TC# 08-09-U909-SAC)
	§	

**MEMORANDUM OPINION**

Appellant, Daniel Ancira, pleaded guilty to the offense of sexual assault of a child. Appellant now appeals the trial court's adjudication of guilt entered after the trial court found that Appellant had violated the conditions of his deferred-adjudication community supervision.

The conditions of Appellant's community supervision permitted Appellant to have access to the sexual assault victim for the purpose of visiting and checking on the progress and welfare of his child. However, the conditions of community supervision also barred Appellant from having any contact with the victim or any children younger than age seventeen.

After learning that Appellant had contact with the victim, including sexual contact, the State filed a motion to adjudicate Appellant for violating the conditions of his community

supervision. The trial court found the violations to be true, adjudicated Appellant, sentenced him to eight years' confinement, and assessed a \$1,500 fine.

In his sole point of error, Appellant asserts that the conditions of his deferred-adjudication community supervision violated his due-process rights because they were so misleading and ambiguous that a reasonable person could not discern the activity which would violate them. The State has confessed error and joins in Appellant's prayer that the cause be reversed and remanded. We vacate the original submission date for this case and sustain Appellant's sole issue.

### **CONCLUSION**

The trial court's judgment is reversed and the cause is remanded for further proceedings.

GUADALUPE RIVERA, Justice

March 20, 2013

Before McClure, C.J., Rivera, and Rodriguez, JJ.

(Do Not Publish)