



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

AMBER LEE BOYCE,	§	No. 08-21-00178-CR
	§	
Appellant,	§	Appeal from the
	§	
v.	§	87th District Court
	§	
THE STATE OF TEXAS,	§	of Leon County, Texas ¹
	§	
Appellee	§	(TC# 16-0112CR)
	§	

MEMORANDUM OPINION

Appellant Amber Lee Boyce appeals her sentence following revocation of her community supervision. In one issue, Appellant argues the trial court erred by failing to award her credit towards her sentence for the time she spent in a substance abuse felony punishment facility (SAFPF). The State does not contest this issue and asks us to modify the judgment. We modify and affirm as modified.

On August 19, 2016, Appellant pleaded guilty to possession of a controlled substance over 4 grams but less than 200 grams and was placed on deferred adjudication community supervision for five years. In May 2018, the terms and condition of Appellant's community supervision were

¹ We hear this case on transfer from the Tenth Court of Appeals. *See* TEX.R.APP.P. 41.3.

modified, and she was ordered to serve time in a SAFPF facility. The record reflects that Appellant entered a SAFPF on June 14, 2018, and was released on December 12, 2018, after she successfully completed the treatment program at that facility.

In April 2021, the State filed a motion to adjudicate Appellant's guilt, which alleged that Appellant violated various terms and conditions of her community supervision. After a hearing on the matter, the trial court found the allegations in the State's motion to adjudicate to be true, revoked Appellant's community supervision, and sentenced Appellant to eight years, with credit for time served. This appeal followed.

In her sole issue, Appellant complains that the trial court erred by failing to credit her sentence with the 182 days she spent in a SAFPF from June 14, 2018 to December 12, 2018. The State does not contest that Appellant successfully completed the SAFPF inpatient program and is entitled to 182 days credit on her sentence.

The code of criminal procedure provides that a defendant who successfully completes a treatment program at a SAFPF is entitled to credit towards her sentence for time spent in the facility. *See* TEX.CODE CRIM.PROC.ANN. art. 42A.755(d)(on revocation, trial court shall credit to defendant time served as a condition of community supervision in a SAFPF if defendant successfully completed the program in that facility); *Patterson v. State*, 525 S.W.3d 896, 897 (Tex.App.—Tyler 2017, no pet.)(a defendant who completes the inpatient portion of SAFPF program is entitled to receive credit on sentence for time served in SAFPF). In this case, the record shows that Appellant was at a SAFPF from June 14, 2018 to December 12, 2018, and that she successfully completed the inpatient portion of the SAFPF program. As such, we sustain Appellant's sole issue and conclude that she should receive credit for the time she spent in a

SAFPF. *See* TEX.CODE CRIM.PROC.ANN. art. 42A.755(d); Patterson, 525 S.W.3d at 897.

We have the authority to modify a judgment to make the record speak the truth when we have the necessary data and information to do so. *See* TEX.R.APP.P. 43.2(b); *see also* Patterson, 525 S.W.3d at 897. As previously stated, the record indicates that Appellant was not properly credited for the time she served in a SAFPF. Because we have the necessary data and information, we conclude the trial court’s judgment should be modified to reflect credit for the time Appellant served in a SAFPF, which by our calculation and the parties’ agreement, is another 182 days in addition to the 15 days already credited to her sentence.

Having sustained Appellant’s sole issue, we modify the trial court’s judgment adjudicating guilt by adding the date range “June 14, 2018 to December 12, 2018” to the “Total Jail Time Credit” row after the date ranges “11/4/2015 to 11/5/2015; 6/1/2018 to 6/14/2018.” We further modify the trial court’s judgment adjudicating guilt by deleting “15 DAYS” on the “Total Jail Time Credit” row and replacing it with “197 DAYS.” We affirm the trial court’s judgment as modified.

May 16, 2022

YVONNE T. RODRIGUEZ, Chief Justice

Before Rodriguez, C.J., Palafox, and Alley, JJ.

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