

**Affirmed as Modified; Opinion Filed September 30, 2016.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-16-00267-CR**

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**DAMON DARRELL WALKER, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 4  
Dallas County, Texas  
Trial Court Cause No. F10-30363-K**

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**MEMORANDUM OPINION**

Before Justices Francis, Stoddart, and Schenck  
Opinion by Justice Stoddart

Damon Darrell Walker appeals the revocation of his community supervision. In nine points of error, appellant contends the evidence is insufficient to support the trial court's finding of true to eight allegations in the motion to revoke and the judgment should be modified to delete restitution. We modify the trial court's judgment and affirm as modified.

Appellant waived a jury and pleaded guilty to failure to register as a sex offender. *See* TEX. CODE CRIM. PROC. ANN. art. 62.102 (West Supp. 2015). Pursuant to a plea agreement, the trial court sentenced appellant to ten years' imprisonment, probated for three years, and assessed a \$2,000 fine. The State later moved to revoke appellant's community supervision, alleging appellant violated nine conditions, including: (1) condition (d) by failing to report, (2) condition (h) by failing to pay court costs and fees, (3) condition (k) by failing to pay Crime Stoppers, (4)

condition (l) by failing to complete community service hours, (5) condition (n) by failing to pay urinalysis fees, (6) condition (p) by admitting to a sex offender therapist to consuming alcohol while on probation, (7) condition (r) by failing to attend and complete sex offender treatment, (8) condition (v) by failing to avoid contact with minor children, and (9) condition (z) by admitting to a sex offender therapist that he viewed pornography daily while on probation. In a hearing on the motion, appellant pleaded true to violating condition (d) and pleaded not true to the remaining eight allegations. After hearing testimony from a sex offender therapist, probation officer, appellant's mother, and appellant, the trial court found all of the allegations true. After revoking appellant's community supervision, the trial court sentenced him to four years' imprisonment.

Appellate review of an order revoking community supervision is limited to determining whether the trial court abused its discretion. *Rickels v. State*, 202 S.W.3d 759, 763 (Tex. Crim. App. 2006). An order revoking community supervision must be supported by a preponderance of the evidence, meaning the greater weight of the credible evidence that would create a reasonable belief that the defendant has violated a condition of probation. *Id.* at 763–64. A finding of a single violation of community supervision is sufficient to support revocation. *See Moore v. State*, 605 S.W.2d 924, 926 (Tex. Crim. App. [Panel Op.] 1980). Thus, in order to prevail on appeal, appellant must successfully challenge all the findings that support the revocation order. *See Jones v. State*, 571 S.W.2d 191, 193–94 (Tex. Crim. App. [Panel Op.] 1978).

In his first eight points of error, appellant does not argue that the trial court abused its discretion in revoking his community supervision, rather he complains the evidence is insufficient to support the trial court's finding that all of the allegations are true. Appellant further argues the trial court relied on impermissible hearsay and polygraph evidence. The State

responds that appellant's points of error fail to provide grounds upon which this Court may overrule the trial court's findings and alternatively, the evidence is sufficient.

Appellant pleaded true to violating a condition of community supervision as alleged in the motion to revoke. A plea of true, standing alone, is sufficient to support revocation of community supervision. *See Cole v. State*, 578 S.W.2d 127, 128 (Tex. Crim. App. [Panel Op.] 1979). During his testimony, appellant admitted he failed to report as directed. We conclude the evidence is sufficient to support the revocation of community supervision on this ground. Thus, we overrule appellant's first eight points of error.

In his ninth point of error, appellant contends the trial court's judgment revoking community supervision should be modified to show his pleas to the allegations in the motion to revoke. The State responds that it does not oppose modifying the judgment to reflect appellant's pleas to the motion to revoke.

The record shows appellant pleaded true to violating condition (d) and not true to violating the remaining eight conditions. The judgment, however, incorrectly recites that appellant pleaded true to the motion to revoke. We sustain appellant's point of error. We modify the section of the judgment revoking community supervision entitled "plea to motion to revoke" to show "True Condition (d); Not True Conditions (h), (k), (l), (n), (p), (r), (v), (z)." *See TEX. R. APP. P. 43.2(b); Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.—Dallas 1991, pet. ref'd).

We note the judgment incorrectly recites the statute for the offense as "61.102 Penal Code." Appellant was convicted of failure to register as a sex offender pursuant to article 62.102 of the code of criminal procedure. Accordingly, we modify the judgment revoking community supervision to show the statute for the offense is "62.102 Code of Criminal Procedure." *See id.*

As modified, we affirm the trial court's judgment revoking community supervision.

/Craig Stoddart/  
CRAIG STODDART  
JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

DAMON DARRELL WALKER, Appellant

No. 05-16-00267-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court  
No. 4, Dallas County, Texas

Trial Court Cause No. F10-30363-K.

Opinion delivered by Justice Stoddart.

Justices Francis and Schenck participating.

Based on the Court's opinion of this date, the judgment revoking community supervision of the trial court is **MODIFIED** as follows:

The section entitled "Statute for Offense" is modified to show "62.102 Code of Criminal Procedure."

The section entitled "Plea to Motion to Revoke" is modified to show "True Condition (d), Not True Conditions (h), (k), (l), (n), (p), (r), (v), (z)."

As modified, the judgment revoking community supervision is **AFFIRMED**.

Judgment entered this 30th day of September, 2016.