

AFFIRMED; Opinion Filed September 26, 2017.



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

**No. 05-16-01322-CR
No. 05-16-01323-CR
No. 05-16-01333-CR**

**ISSAC MCQUEEN ANDERSON, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 283rd Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F16-52821-T, F16-52822-T & F16-52823-T**

MEMORANDUM OPINION

Before Justices Lang, Evans, and Schenck
Opinion by Justice Evans

Issac McQueen Anderson appeals his convictions following the adjudication of guilt for the offenses of aggravated assault with a deadly weapon and injury to a child. In a single issue, appellant contends that he is entitled to a new adjudication hearing because the trial court abused its discretion by admitting hearsay evidence. We affirm the trial court's judgments adjudicating guilt.

BACKGROUND

In trial court cause number F16-52821-T, Appellant was charged by indictment with aggravated assault with a deadly weapon involving family violence. In numbers F16-52822-T and F16-52823-T, appellant was charged by indictment with injury to a child. Appellant pleaded guilty to each offense. Pursuant to the terms of the plea agreements in all three cases, the trial

court deferred a finding of guilt and placed appellant on community supervision for a period of seven years.

The State filed a motion to revoke appellant's probation or proceed with an adjudication of guilt ("Motion") alleging fifteen violations of the conditions of community supervision in the assault case, and eleven violations in the two injury to a child cases.¹ Prior to the hearing, the State abandoned all but six of the allegations in each of the Motions. Appellant pleaded not true to the remaining allegations. After hearing the evidence, the trial court granted the State's motion, found appellant guilty as charged in each indictment, and sentenced him to ten years' imprisonment in all three cases. In the aggravated assault case, the trial court also made both a deadly weapon finding and a family violence finding. This appeal followed.

ANALYSIS

In a single issue, appellant contends that he is entitled to a new adjudication hearing because the trial court abused its discretion by admitting hearsay identification evidence. Appellant's claim pertains to the evidence presented by the State to prove that appellant violated condition (a) of his community supervision by committing the new offense of family violence assault. During the hearing, the police officer who responded to the complainant's 911 call testified that he was able to obtain the suspect's description from the complainant when she showed him a picture on Facebook of the person who assaulted her. The officer then identified State's Exhibit 8 as a photograph of the person he saw in the Facebook pictures. Appellant's objections to hearsay were overruled. Appellant cites TEX. R. EVID. 801(e)(1)(c) and argues that this identification testimony was inadmissible because the complainant in the assault case did not

¹ The State also filed an amended Motion alleging the same violations with new case information on the allegation pertaining to the commission of a new assault. The amended Motion also updated delinquent fee amounts.

testify at trial and was not subject to cross-examination.² On this record, we need not address appellant's claim.

The decision to adjudicate guilt and revoke deferred adjudication community supervision is reviewable under an abuse of discretion standard. *See* TEX. CODE CRIM. PROC. ANN. art. 42.12 § 5(b) (West Supp. 2016); *Rickels v. State*, 202 S.W.3d 759, 763 (Tex. Crim. App. 2006). A trial court finding that the defendant violated a single condition of community supervision is sufficient to support revocation of community supervision and adjudication of guilt. *See 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). Thus, to prevail on appeal, appellant must successfully challenge all of the findings that support the revocation order. *See Jones*, 571 S.W.2d at 193–94. In addition to the allegation that appellant committed the offense of family violence assault, the State moved to revoke appellant's community supervision and adjudicate his guilt on grounds that appellant violated the terms and conditions of his community supervision by failing to: (d) report to the supervision office on August 24, 2016; (u) report to the domestic violence court on August 25, 2016; (v) refrain from any contact by any means during the term of supervision; and (t) by consuming alcohol on August 3, 2016. The trial court found each of these allegations to be true. Appellant does not challenge the evidence presented to prove these allegations or the trial court's findings.

Further, even if appellant were correct that the officer's testimony constituted inadmissible hearsay, the record makes it clear that the trial court did not consider such evidence in making its determination to revoke appellant's community supervision and adjudicate guilt. When questioned by defense counsel at the conclusion of the hearing, the trial court stated that it

² Rule 801(e)(1)(c) provides that a statement is not hearsay if the declarant testifies at trial and is subject to cross-examination about the prior statement and the statement identifies a person as someone the declarant perceived earlier. TEX. R. EVID. 801(e)(1)(c).

did not find that appellant violated condition (a), (the assault allegation), and further stated that the State would have to dismiss the case.

We overrule appellant's sole issue. We affirm the trial court's judgments adjudicating guilt.

/David W. Evans/
DAVID EVANS
JUSTICE

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TEX. R. APP. P. 47
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

ISSAC MCQUEEN ANDERSON,
Appellant

No. 05-16-01322-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. F16-52821-T.
Opinion delivered by Justice Evans, Justices
Lang and Schenck participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered this 26th day of September, 2017.



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

JUDGMENT

ISSAC MCQUEEN ANDERSON,
Appellant

No. 05-16-01323-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. F16-52822-T.
Opinion delivered by Justice Evans, Justices
Lang and Schenck participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered this 26th day of September, 2017.



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

JUDGMENT

ISSAC MCQUEEN ANDERSON,
Appellant

No. 05-16-01333-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. F16-52823-T.
Opinion delivered by Justice Evans, Justices
Lang and Schenck participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered this 26th day of September, 2017.