

**AFFIRM; and Opinion Filed May 9, 2018.**



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

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**No. 05-17-00874-CR**

**No. 05-17-01145-CR**

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**HAMED MATEEN SAMADI, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 366th Judicial District Court  
Collin County, Texas  
Trial Court Cause Nos. 366-80034-2013 & 366-82969-2012**

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**MEMORANDUM OPINION**

Before Justices Francis, Fillmore, and Whitehill  
Opinion by Justice Fillmore

Hamed Mateen Samadi appeals his convictions, following an adjudication of guilt, for aggravated assault with a deadly weapon and evading arrest with a motor vehicle. The trial court assessed punishment of five years' confinement on the aggravated assault with a deadly weapon offense and two years' confinement on the evading arrest with a motor vehicle offense. Samadi complains the evidence at the adjudication hearing was insufficient to support a finding that he violated the conditions of his community supervision. We affirm.

On December 13, 2013, Samadi pleaded guilty to both of the charged offenses without an agreement as to punishment. The trial court deferred an adjudication of guilt and placed Samadi on community supervision for a period of five years on each offense. The State subsequently filed a motion to adjudicate, followed by two amended motions to adjudicate, in each case alleging

Samadi committed sixteen violations of the conditions of his community supervision, including conditions that he commit no new offenses and not use “marijuana, dangerous drugs, or any substance prohibited by the Texas Controlled Substances Act.” On July 3, 2016, Samadi pleaded true to all of the alleged violations.

At the adjudication hearing, the State presented the testimony of Kelly Dimitroff, Samadi’s probation officer. Dimitroff testified Samadi verbally admitted on June 6, 2016, to using marijuana in May 2016, causing her to amend the State’s motions to adjudicate by adding an allegation Samadi violated the conditions of his community supervision by refusing to take a drug test and verbally admitting to marijuana use. In August 2016, Dimitroff again amended the State’s motions to adjudicate based on Samadi’s failure to submit to a drug test in July 2016. Samadi testified at the adjudication hearing and agreed that Dimitroff’s testimony regarding his behavior while on community supervision was “pretty accurate.” According to Samadi, other than for a brief period, he consistently used drugs while he was on community supervision and marijuana was his drug of choice. Samadi believed the reason he had not been able to successfully complete his community supervision was his inability to stop using marijuana.

The trial court granted the State’s second amended motions to adjudicate, found Samadi guilty of each offense, and sentenced him to five years’ confinement for aggravated assault with a deadly weapon and two years’ confinement for evading arrest with a motor vehicle. This appeal ensued.

We review an order revoking community supervision under an abuse of discretion standard. *Rickels v. State*, 202 S.W.3d 759, 763 (Tex. Crim. App. 2006). In determining questions concerning sufficiency of the evidence in probation revocation cases, the burden of proof is by a preponderance of the evidence, meaning the greater weight of the credible evidence which

would create a reasonable belief that the defendant has violated a condition of community supervision. *Id.* at 763–64.

Samadi contends the evidence is insufficient to support the trial court’s finding he violated conditions of his community supervision because the State failed to present any evidence he committed “new offenses” or violated the “technical terms and conditions” of his community supervision. However, a plea of true to an allegation contained in a motion to revoke community supervision, standing alone, is sufficient to support revocation of community supervision and adjudication of guilt. *Tapia v. State*, 462 S.W.3d 29, 31 n.2 (Tex. Crim. App. 2015) (citing *Moore v. State*, 605 S.W.2d 924, 926 (Tex. Crim. App. [Panel Op.] 1980)).<sup>1</sup> Samadi pleaded true to all the State’s alleged violations.

Further, 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 Garcia v. State*, 387 S.W.3d 20, 26 (Tex. Crim. App. 2012).<sup>2</sup> The State specifically alleged Samadi violated terms of his community supervision by admitting on June 6, 2016, that he had used marijuana. At the adjudication hearing, Samadi admitted he consistently used marijuana while on community supervision until March 28, 2017. Dimitroff, who was supervising Samadi at the time, testified Samadi told her he had used marijuana in May of 2016. We conclude the evidence was sufficient to support a finding Samadi violated the condition of his community supervision requiring that he refrain from using marijuana. Accordingly, we need not consider whether the evidence is sufficient to support a finding Samadi committed any of the other alleged violations of his conditions of community supervision. *Id.*

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<sup>1</sup> *See also Jones v. State*, No. 05-17-0068-CR, 2018 WL 459775, at \*1 (Tex. App.—Dallas Jan. 18, 2018, no pet.) (mem. op., not designated for publication).

<sup>2</sup> *See also Jones*, 2018 WL 459775, at \*1

We conclude the trial court did not abuse its discretion by adjudicating Samadi guilty of the alleged offenses. *See Rickels*, 202 S.W.3d at 763–64; *see also Tapia*, 462 S.W.3d at 31 n.2; *Garcia*, 387 S.W.3d at 26. We resolve Samadi’s issue against him.

We affirm the trial court’s judgment.

/Robert M. Fillmore/  
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ROBERT M. FILLMORE  
JUSTICE

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

**JUDGMENT**

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Opinion delivered by Justice Fillmore,

Justices Francis and Whitehill participating.

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

Judgment entered this 9th day of May, 2018.



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