

Affirmed and Memorandum Opinion filed May 1, 2018.



In The

Fourteenth Court of Appeals

**NO. 14-16-00926-CR
NO. 14-16-00927-CR**

GRANDISON KIM ROGERSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 10th District Court
Galveston County, Texas
Trial Court Cause Nos. 15CR2765 & 16CR0848**

M E M O R A N D U M O P I N I O N

Appellant Grandison Kim Rogerson complains on appeal that the trial court abused its discretion by revoking his community supervision. We affirm.

Appellant pleaded guilty to two counts of possession of methamphetamine. The trial court assessed punishment at two years' confinement but ordered the sentence suspended and placed appellant on community supervision for three years. Appellant's community supervision included the following standard conditions,

among others: appellant was required to (1) report to his supervision officer once a month; (2) report any change of address within 48 hours; (3) pay \$60 per month as a community supervision fee; (4) pay court costs; (5) participate in a drug screening program; (6) perform 120 hours of community service; (7) make an appointment for a substance assessment evaluation within 30 days; and (8) provide a DNA sample within 30 days. The State moved to revoke appellant's community supervision, contending that appellant violated the aforementioned conditions of community supervision. At the revocation hearing, appellant pleaded not true to the alleged violations. The trial court rendered judgment revoking appellant's community supervision and assessed appellant's punishment at one year in state jail. In so doing, the trial court found appellant violated the aforementioned conditions of community supervision.

We review a trial court's decision to revoke community supervision for an abuse of discretion. *See Hacker v. State*, 389 S.W.3d 860, 865 (Tex. Crim. App. 2013); *Rickels v. State*, 202 S.W.3d 759, 763 (Tex. Crim. App. 2006). The trial court has discretion to revoke community supervision when a preponderance of the evidence supports at least one of the State's alleged violations of the conditions of community supervision. *Leonard v. State*, 385 S.W.3d 570, 576 (Tex. Crim. App. 2012). This standard is met when the greater weight of the credible evidence creates a reasonable belief that the defendant has violated a condition of his community supervision. *See Rickels*, 202 S.W.3d at 764. We view the evidence in the light most favorable to the trial court's order. *Moore v. State*, 11 S.W.3d 495, 498 (Tex. App.—Houston [14th Dist.] 2000, no pet.). The trial court is the sole trier of fact and determines the credibility of witnesses and the weight to be given to their testimony in revocation hearings. *Id.* The trial court abuses its discretion in issuing a revocation order when the State fails to meet its burden of proving by a preponderance of the

evidence that appellant violated a condition. *Cardona v. State*, 665 S.W.2d 492, 493-94 (Tex. Crim. App. 1984).

Proof of a single violation is sufficient to support revocation of community supervision. *Trevino v. State*, 218 S.W.3d 234, 240 (Tex. App.—Houston [14th Dist.] 2007, no pet.); *see also Garcia v. State*, 387 S.W.3d 20, 26 (Tex. Crim. App. 2012) (“[P]roof of a single violation will support revocation.”). To prevail in his appeal asserting the trial court abused its discretion, the appellant thus must challenge all of the findings that support the revocation order. *See Moore v. State*, 605 S.W.2d 924, 926 (Tex. Crim. App. 1980) (“We need not address appellant’s other contentions since one sufficient ground for revocation will support the court’s order to revoke probation.”); *Gobell v. State*, 528 S.W.2d 223, 224 (Tex. Crim. App. 1975) (“Since the other finding upon which probation was revoked is unchallenged, appellant’s contention, even if correct, would not show an abuse of discretion.”); *Joseph v. State*, 3 S.W.3d 627, 640 (Tex. App.—Houston [14th Dist.] 1999, no pet.).

Appellant challenges the trial court’s findings on his failure to pay supervision fees and court costs on the basis that he could not afford to pay them, failure to report to his supervision officer on the basis that he did not have transportation, and failure to report his change of address because the evidence does not create a reasonable belief that he had moved. Appellant further argues that “the terms of [his] community supervision required him to, among other things, submit to a drug screen, perform community service, make an appointment for a substance abuse assessment, and provide a DNA sample” and he also could not fulfill these requirements because he did not have transportation. The State argues that appellant failed to challenge all of the trial court’s findings justifying revocation because appellant did not “develop his claims” as to his failures to submit to drug screenings, do community service, make an appointment for a substance abuse evaluation, and provide a DNA sample.

We presume without deciding that appellant properly challenged all of these findings. Nevertheless, we conclude that the State presented sufficient evidence that appellant failed to report his change of address within 48 hours. Thus, we need not address appellant's other arguments.

Appellant argues that he had "a chaotic living situation suggesting that he lived between places" and thus the evidence does not show that he moved and failed to report a change of address because "he had been living between locations without a steady home." Officer Saunders, appellant's community supervision officer, testified at the revocation hearing that she and another officer made a field visit to the address appellant claimed in court to be his residence. No one answered the door, so Saunders left her card. She subsequently received a phone call. The caller informed Saunders that she had lived in the residence since before appellant was put on probation and she did not know appellant.

Appellant never notified Saunders of any change of address. Appellant, however, told Saunders that since being placed on community supervision, appellant had moved four to five times. Appellant testified at the revocation hearing that he had moved from his prior address to a new address down the street.

We conclude that a preponderance of the evidence, viewed in the light most favorable to the trial court's decision to revoke, supports the State's allegation that appellant violated the condition of his community supervision requiring him to report any change of address within 48 hours. *See Antwine v. State*, 268 S.W.3d 634, 637 (Tex. App.—Eastland 2008, pet. ref'd) ("When viewed in the light most favorable to the decision to revoke, the trial court's determination that appellant violated the reporting and change-of-address requirements of his community supervision is supported by legally sufficient evidence."). Because one sufficient ground for revocation will support the trial court's order to revoke community

supervision, we need not address whether appellant also violated any other conditions of his community supervision. *See Moore*, 605 S.W.2d at 926. We overrule appellant's third issue and do not address his other issues.

We affirm the judgment of the trial court.

/s/ Martha Hill Jamison
Justice

Panel consists of Justices Jamison, Brown, and Jewell.
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