

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-10-00494-CR**

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**ELFEGO LOZANO, JR., Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 163rd District Court**  
**Orange County, Texas**  
**Trial Cause No. B-070128-R**

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**MEMORANDUM OPINION**

In this appeal, Elfego Lozano, Jr. challenges the trial court's decision to revoke his probation. We conclude the trial court did not abuse its discretion.

Lozano pled guilty to burglarizing a habitation, and the trial court sentenced him to ten years in prison. Subsequently, after Lozano had served approximately thirty-two weeks of his sentence, the trial court suspended Lozano's remaining sentence and ordered that he serve the remainder as a probated sentence.

In December 2009, the State filed a motion requesting that the trial court revoke Lozano's probation. During the revocation hearing, Lozano pled "true" to having twice tested positive for marijuana. The positive tests violated the conditions the trial court had established when it placed Lozano on probation.<sup>1</sup> Lozano also pled "true" to the allegation that he had failed to pay certain fees and expenses. Lozano pled "not true" to the other alleged grounds that he had violated the trial court's probation order.

After an evidentiary hearing, the trial court accepted Lozano's pleas of "true" and found those allegations to be true. The trial court also found that Lozano had violated the other conditions that he denied having violated. At the conclusion of the hearing, the trial court revoked its probation order and sentenced Lozano to ten years in prison.

In a single issue, Lozano argues the evidence was insufficient to revoke his probation. We review a revocation order under an abuse of discretion standard. *Cardona v. State*, 665 S.W.2d 492, 493-94 (Tex. Crim. App. 1984). In a revocation proceeding, the State must prove by a preponderance of the evidence that the defendant violated the terms and conditions of his probation. *Cobb v. State*, 851 S.W.2d 871, 873 (Tex. Crim. App. 1993). A plea of true to any one of the alleged violations is sufficient to support the trial court's order of revocation. *Cole v. State*, 578 S.W.2d 127, 128 (Tex. Crim. App. [Panel Op.] 1979); *Moses v. State*, 590 S.W.2d 469, 470 (Tex. Crim. App. [Panel Op.] 1979).

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<sup>1</sup>One of the conditions the trial court established in placing Lozano on probation required that he "[a]bstain from the use or possession of any drugs, except those taken or possessed under doctors orders[.]" and another condition that required him to submit to testing for alcohol or controlled substances and "not have a positive test result at anytime[.]"

Lozano pled “true” to testing positive for marijuana. Because a single violation is sufficient to support the trial court’s decision, Lozano has failed to show that the trial court abused its discretion by revoking his placement on probation. “We need not address appellant’s other contentions since one sufficient ground for revocation will support the court’s order to revoke probation.” *Moore v. State*, 605 S.W.2d 924, 926 (Tex. Crim. App. 1980).

Having overruled Lozano’s sole issue, we affirm the trial court’s judgment.

AFFIRMED.

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HOLLIS HORTON  
Justice

Submitted on September 15, 2011  
Opinion Delivered September 28, 2011  
Do Not Publish

Before McKeithen, C.J., Gaultney and Horton, JJ.