

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

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**NO. 09-11-00204-CR**

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**LATONYA TERRELL REECE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 359th District Court  
Montgomery County, Texas  
Trial Cause No. 08-02-01447 CR**

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**MEMORANDUM OPINION**

Latonya Terrell Reece pleaded guilty to securing execution of a document by deception.<sup>1</sup> The trial court found the evidence sufficient to find Reece guilty, but deferred further proceedings and placed Reece on community supervision for one year. The State subsequently filed a motion to revoke Reece’s unadjudicated community supervision. Reece pleaded “not true” to the State’s allegations. After an evidentiary hearing, the trial court found that Reece violated the conditions of her community

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<sup>1</sup> The record contains some references to appellant as “Latonya Terrell Reese.” The indictment and judgment, however, both refer to appellant as “Latonya Terrell Reece.”

supervision, found Reece guilty of securing execution of a document by deception, and sentenced Reece to one year in county jail. In her sole appellate issue, Reece challenges the sufficiency of the evidence supporting the trial court's decision to revoke her community supervision. We affirm the trial court's judgment.

We review a trial court's revocation of deferred adjudication community supervision for abuse of discretion. *Staten v. State*, 328 S.W.3d 901, 904-05 (Tex. App.—Beaumont 2010, no pet.). The State must prove a violation of the terms of community supervision by a preponderance of the evidence. *Rickels v. State*, 202 S.W.3d 759, 763 (Tex. Crim. App. 2006). The State satisfies its burden when the greater weight of credible evidence before the trial court creates a reasonable belief demonstrating it is more probable than not that the defendant has violated a condition of her community supervision. *Staten*, 328 S.W.3d at 905. We view the evidence in the light most favorable to the trial court's ruling. *Cardona v. State*, 665 S.W.2d 492, 493 (Tex. Crim. App. 1984). Proof of a single violation of the terms of community supervision will support revocation. *Moore v. State*, 605 S.W.2d 924, 926 (Tex. Crim. App. 1980).

The State alleged that Reece violated the conditions of her community supervision by failing to: (1) notify her community supervision officer orally and in writing of any change in her home address within forty-eight hours of the change; (2) report to the community supervision department for the months of August 2009, November 2009, and January 2010; (3) submit to urinalysis on April 29, 2010; (4) pay a urinalysis fee for July

29, 2010; and (5) pay \$132 for the months of January, February, March, April, May, June, and July 2010. On appeal, Reece contends that the State failed to establish her ability to pay court-assessed fees and her willful failure to pay those fees; thus, she contends that the trial court improperly imposed a jail sentence for failure to pay court-assessed fees. She further contends that the State failed to prove its allegations by a preponderance of the evidence.

“[W]hen the *sole basis* for revocation is failure to pay court-ordered fines and fees, there must be evidence of willful refusal to pay or failure to make sufficient bona fide efforts to pay.” *Gipson v. State*, 347 S.W.3d 893, 896-97 (Tex. App.—Beaumont 2011, no pet. h.) (emphasis added). In this case, the record demonstrates that Reece’s alleged failure to pay court-assessed fees was not the sole basis for the revocation of her community supervision. The record contains proof that Reece violated at least one other condition of her community supervision. *See Moore*, 605 S.W.2d at 926.

At the revocation hearing, Community Supervision Officer Karen Combe testified that Reece was placed on community supervision in July 2009, but the community supervision terms were later amended to waive or reduce certain fees. Combe explained that Reece indicated she had cancer, but Combs later learned that Reece had provided false documentation regarding her diagnosis. Combe testified that Reece failed to inform the Montgomery County community supervision department of an address change within forty-eight hours of the change. She explained that Reece had been transferred to the

Harris County community supervision department, but Montgomery County subsequently learned that Reece did not live at the address she had provided. Combe testified that Reece failed to report in August 2009, November 2009, and January 2010. She testified that Reece also failed to submit to urinalysis in April<sup>2</sup> because she could not obtain transportation and could not afford the urinalysis fee. Combe testified that Reece did not pay her July 2010 urinalysis fee or make restitution payments from February 2010 through July 2010.

Reece testified that she notified her community supervision officer months before she changed addresses. Reece testified that she was told that her case would be transferred to Harris County, her county of residence, but that in the interim she could report to Montgomery County by mail. She testified that she reported to Montgomery County via mail in August 2009 and September 2009, reported to Harris County in October 2009, moved back to Montgomery County in November 2009, and reported via telephone to Montgomery County in November 2009 and December 2009. In January 2010, she spoke with a Montgomery County community supervision officer and was told not to report again until March. Reece testified that she did not submit to the April urinalysis because Combe told her not to worry about it, given that Reece had

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<sup>2</sup> The State's motion to revoke alleges a date of April 2010. Combe testified to April 2009 and Reece testified to April 2010. As factfinder, the trial court bore the burden of resolving this conflict in the evidence. *See Brooks v. State*, 153 S.W.3d 124, 127 (Tex. App.—Beaumont 2004, no pet.). Because Reece was placed on community supervision in July 2009, the trial court could have concluded that Combe intended to testify to an April 2010 date.

transportation issues and could not afford the urinalysis fee. Reece testified that she paid the July 29 urinalysis fee and made a \$400 restitution payment in August 2010. Reece explained that she has a special needs child, receives SSI benefits, food stamps, and Medicaid, and was licensed to work for Guard Smart, but lost her job and license because of this case.

As sole trier of fact, the trial court was entitled to judge the credibility of the witnesses and decide what weight to give the testimony. *Brooks v. State*, 153 S.W.3d 124, 127 (Tex. App.—Beaumont 2004, no pet.). In doing so, the trial court could rely on the community supervision officer’s testimony and reject Reece’s testimony. *See Cherry v. State*, 215 S.W.3d 917, 919-20 (Tex. App.—Fort Worth 2007, pet. ref’d). Viewing the evidence in the light most favorable to the trial court’s ruling, we conclude that the State proved, by a preponderance of the evidence, that Reece violated at least one of the conditions of her community supervision. *See Rickels*, 202 S.W.3d at 763; *see also Cardona*, 665 S.W.2d at 493; *Moore*, 605 S.W.2d at 926. Because the trial court did not abuse its discretion by revoking Reece’s unadjudicated community supervision, we overrule Reece’s sole issue and affirm the trial court’s judgment.

AFFIRMED.

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STEVE McKEITHEN  
Chief Justice

Submitted on November 29, 2011  
Opinion Delivered December 14, 2011  
Do Not Publish  
Before McKeithen, C.J., Kreger and Horton, JJ.