



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00385-CR

JAMIE MARCUS PINSON

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 4 OF TARRANT COUNTY
TRIAL COURT NO. 1423792D

MEMORANDUM OPINION¹

Jamie Marcus Pinson appeals from the trial court's revocation of his post-conviction appeal bond. See Tex. Code Crim. Proc. Ann. art. 44.04(g) (West Supp. 2016). We have submitted the appeal without briefing in accordance with Texas Rule of Appellate Procedure 31.1. Tex. R. App. P. 31.1.

¹See Tex. R. App. P. 47.4.

Appellant pled guilty to possession of four or more but less than two hundred grams of methamphetamine, and the trial court sentenced him to nine years' confinement.² The trial court set an appeal bond amount, and appellant was released.

On August 1, 2016, the trial court held appellant's bond insufficient and appellant was reincarcerated. Appellant filed a Motion for Hearing on Bond Violations, complaining that the trial court had held his bond insufficient without a hearing and that he had not violated any conditions of his bond. Appellant therefore sought a hearing "on any alleged violations of the conditions set by the trial court" and reinstatement of his bond. The trial court held a hearing on September 14, 2016 but otherwise denied the motion.

Article 44.04(c) of the code of criminal procedure provides that a trial court may set a reasonable bail for a defendant convicted of a felony and sentenced to less than ten years' confinement for a conviction not listed in article 42.12, § 3g(a)(1) of the code of criminal procedure. *Id.* art. 44.04(b)–(c); see *id.* art. 42.12, § 3g(a)(1) (West Supp. 2016) (listing offenses not at issue here). It

²Appellant filed a notice of appeal from the judgment in this court, which is docketed as cause number 02-15-00225-CR. That appeal, in which we have already issued an opinion, *Pinson v. State*, No. 02-16-00225-CR, 2016 WL 7240682 (Tex. App.—Fort Worth Dec. 15, 2016, no pet. h.) (mem. op., not designated for publication), is a separate proceeding from this appeal, see *Faerman v. State*, 966 S.W.2d 843, 848 (Tex. App.—Houston [14th Dist.] 1998, no pet.) (op. on reh'g) ("To provide meaningful review, an accelerated appeal under Article 44.04(g) from an order denying bail is separate and distinct from a defendant's general appeal from a judgment of conviction.").

also provides that the trial court may set reasonable conditions on bail pending the finality of the conviction and that the court may revoke the bail if it finds by a preponderance of the evidence that the defendant violated a condition of bail. *Id.* art. 44.04(c). Appellant did not challenge any of the conditions of his bail; rather, he contended that there was no evidence that he had violated any of the conditions of his bail.

Lisa Craig, a GPS officer for the Tarrant County Community Supervision and Corrections Department, testified that appellant reported to her for a GPS installation on June 13, 2016 after being released on an appeal bond. She “went over all of his bond conditions” with him, including that he wear a monitor and be on “24-hour home confinement.” He indicated to her that he understood the conditions.

Craig testified that on July 14, 2016, July 27, 2016, and July 28, 2016, appellant had been out of his home without her permission. On July 14 and July 28, he had permission to travel to her office and back to his home in Duncanville, but nowhere else; instead, he went to several other locations, such as stores, gas stations, and Subways, and was out for several hours. On July 27, 2016, without first calling or otherwise contacting Craig, he left his home and went to a park “up the road from his house, and . . . to the wooded area, where there’s a creek in the park.” Appellant testified and admitted that he had walked to the park without permission because “we had a problem at our house.” He admitted that he had violated his probation.

At the conclusion of the hearing, appellant also argued that his right to due process had been violated because

he was not made aware by the Court on his conditions of bond that he wasn't allowed to be out until 6:30, that he wasn't allowed to go to 7th Street or any of these things. It wasn't alleged with enough specificity to put him on notice as to what would constitute a violation. And the probation officer telling him later on is also an unlawful delegation of authority.

Appellant's bond condition number 6 stated as follows: "Fully participate in and comply with the rules and requirements of the CSCD's electronic monitoring programs." Underneath, the boxes for "GPS monitor only" and "24 Hour Home Confinement" were checked. Condition Number 11 stated, "Release to CSCD officer only (Release in the AM only if #6 is ordered)." This condition is specific enough to notify appellant that his release from 24-hour home confinement was to be to his probation officer only. And appellant did not contend in the trial court that this condition was not specific enough to inform him that he was prohibited from walking down the street from his house to a park without his probation officer's prior permission.

Accordingly, we conclude and hold that there was sufficient evidence to support the trial court's revocation of appellant's bail in accordance with article 44.04(c), and that the trial court did not err by doing so. We affirm the trial court's order.

/s/ Terrie Livingston

TERRIE LIVINGSTON
CHIEF JUSTICE

PANEL: LIVINGSTON, C.J.; MEIER and GABRIEL, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: December 28, 2016