



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-15-00362-CR

CHARLES JONES, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 272nd District Court
Brazos County, Texas
Trial Court No. 10-02173-CRF-272, Honorable Harold R. Towslee, Presiding

March 22, 2016

MEMORANDUM OPINION

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

Charles Jones appeals from a judgment revoking his community supervision and sentencing him to imprisonment for driving while intoxicated. He had previously been found guilty and sentenced. However, the trial court suspended imposition of the sentence and placed him on community supervision. After appellant had been stopped and arrested for driving while intoxicated again, the State moved to revoke his supervision. The trial court granted the motion and sentenced appellant to 10 years imprisonment. We affirm.

The State alleged multiple grounds in its motion to justify the revocation of appellant's community supervision. Several pertained to appellant's operation of a motor vehicle while under the influence of alcohol on or about October 14, 2014. Others included appellant's use of marijuana on February 9, 2013 and his operation of a motor vehicle unequipped with an ignition interlock system on October 14, 2014. The trial court found that appellant had violated "the conditions of community supervision as set forth in the State's Original Motion to Revoke Community Supervision" Before us, appellant attacks only those findings pertaining to his operation of a motor vehicle on October 14th while intoxicated and does so by contending that evidence of the blood draw (used to illustrate his intoxication) should have been suppressed. Assuming *arguendo* that such evidence should have been suppressed, we find the matter harmless.

Because this appeal was transferred from the Tenth Court of Appeals, we are bound to use the precedent of that court were applicable. TEX. R. APP. P. 41.3. Per that court's precedent, ". . . proof of any one of the alleged violations of the conditions of community supervision is sufficient to support a revocation order." *Broussard v. State*, No. 10-14-00285-CR, 2015 Tex. App. LEXIS 5736, at *7 (Tex. App.—Waco June 4, 2015, pet. ref'd) (mem. op., not designated for publication), *citing*, *Smith v. State*, 286 S.W.3d 333, 342 (Tex. Crim. App. 2009). Having found "true" the allegations concerning marijuana usage and the absence of an ignition interlock system, the trial court had basis to revoke appellant's community supervision. This is correct irrespective of whether the State properly drew appellant's blood to establish his intoxication from alcohol. *See Moore v. State*, No. 10-12-00275-CR, 2014 Tex. App.

LEXIS 1920, at *16 (Tex. App.—Waco February 20, 2014, no pet.) (mem. op., not designated for publication) (concluding that the court need not review the complaint urged by the appellant because other grounds warranted the revocation of appellant's community supervision). Moreover, appellant did not question the legitimacy of those two grounds on appeal. Thus, we overrule appellant's issue and affirm the trial court's judgment.

Brian Quinn
Chief Justice

Do not publish.