



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

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No. 07-16-00425-CR  
No. 07-16-00426-CR

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**JAMES HENRY JOHNSON, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 46th District Court  
Hardeman County, Texas  
Trial Court No. 4316, Honorable Dan Mike Bird, Presiding

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**May 14, 2018**

**MEMORANDUM OPINION**

**Before CAMPBELL and PIRTLE and PARKER, JJ.**

Appellant, James Henry Johnson, was placed on community supervision in May of 2016, for a period of ten years for the offenses of aggravated assault of a public servant with a deadly weapon (count 1) and evading arrest with a motor vehicle (count 2). Appellant's terms and conditions of community supervision required him to reside at the 33rd and 424th Judicial District Intermediate Sanction Facility (ISF) for a term of not less than 180 days and no more than twenty-four months, and to abide by the rules and

regulations of the facility. On September 22, 2016, the State filed its motion to revoke appellant's community supervision alleging he failed to reside at the ISF, failed to abide by the facility's rules and regulations, and had absconded from the ISF. Finding the allegations true, the trial court revoked the order suspending imposition of sentence and imposed the original sentence of ten years confinement.<sup>1</sup> Appellant's sole issue is whether the trial court abused its discretion in revoking his community supervision. We will affirm the judgment of the trial court.

### Standard of Review

Our review of an order revoking community supervision is limited to determining whether the trial court abused its discretion. *Rickels v. State*, 202 S.W.3d 759, 763 (Tex. Crim. App. 2006) (citing *Cardona v. State*, 665 S.W.2d 492, 493 (Tex. Crim. App. 1984) (en banc)). In a revocation hearing, the State must prove by a preponderance of the evidence that the defendant violated the terms of community supervision. *Id.* at 763-64. A preponderance of the evidence means "that greater weight of the credible evidence which would create a reasonable belief that the defendant has violated a condition of his probation." *Id.* When the standard of review is abuse of discretion, the record must simply contain some credible evidence to support the decision made by the trial court. *Herald v. State*, 67 S.W.3d 292, 293 (Tex. App.—Amarillo 2001, no pet.). Finally, we note that a single violation of the terms of probation is sufficient to support revocation. *Sibler v. State*, 371 S.W.3d 605, 611 (Tex. App.—Houston [1st Dist.] 2012, no pet.).

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<sup>1</sup> The judgment provided that the sentences on counts 1 and 2 run concurrently.

## Analysis

At the revocation hearing, community supervision officer Conley testified that he discussed the terms and conditions of community supervision with appellant, including the condition that appellant was required to complete the ISF program offered by the 33rd and 424th Judicial District. According to Conley, appellant did not complete his term at the ISF because he absconded on September 18 after he was transported to his work location. Appellant did not contact Conley for permission to leave the facility, and no one sought a furlough from Conley. Approximately two weeks after he left the ISF, appellant was arrested in Oklahoma City, Oklahoma.

Appellant testified that he sought a furlough because his fiancée was having heart transplant surgery in Oklahoma City. After his request for furlough was denied, he arranged to leave work with a co-worker who drove him to the hospital in Oklahoma City. Appellant admitted “what I did was wrong. I know I shouldn’t have left the program.” Appellant did not contact the ISF between the time he left and his subsequent arrest.

## Conclusion

Viewing the evidence in the light most favorable to the trial court’s ruling, we cannot say that the trial court abused its discretion in revoking appellant’s community supervision. Consequently, we affirm the judgment of the trial court.

Judy C. Parker  
Justice

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