

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-05-00257-CR**

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**John Hinojosa, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE COUNTY COURT OF MCCULLOCH COUNTY  
NO. 9452, HONORABLE RANDY YOUNG, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant John Hinojosa was convicted for possessing less than two ounces of marihuana, sentenced to 180 days in jail and a \$2000 fine, and placed on community supervision. *See* Tex. Health & Safety Code Ann. § 481.121 (West 2003). The trial court later revoked supervision, reduced the term of incarceration to 120 days, and imposed sentence.

In two points of error, appellant urges that the judgment of conviction and order revoking supervision must be reversed because he was not represented by counsel at his trial.<sup>1</sup> *See Alabama v. Shelton*, 535 U.S. 654, 657 (2002). The record reflects, however, that appellant waived his right to counsel in writing after being informed by the court that he had a right to counsel and that counsel would be appointed if he was indigent. The points of error are overruled.

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<sup>1</sup> Appellant had counsel at the revocation hearing.

The order revoking community supervision is affirmed.

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Bea Ann Smith, Justice

Before Chief Justice Law, Justices B. A. Smith and Pemberton

Affirmed

Filed: August 10, 2005

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