



NUMBER 13-19-00381-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

ROBERT COLEMAN,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 347th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Hinojosa, Perkes, and Tijerina
Memorandum Opinion by Justice Tijerina**

By one issue, appellant Robert Coleman a/k/a Robert Mario Coleman contends that the trial court abused its discretion when it revoked his community supervision and adjudicated him guilty of two counts of aggravated sexual assault of a child, a first-degree felony, and one count of indecency with a child, a second-degree felony. See TEX. PENAL

CODE ANN. §§ 21.11(a)(1), 22.021(a)(2)(B). The trial court then sentenced Jones to thirty years for each of the aggravated sexual assault of a child offenses and twenty years' incarceration for the indecency with a child offense to run concurrently. We affirm.

I. BACKGROUND

Pursuant to a plea bargain agreement with the State, Coleman pleaded guilty to two counts of aggravated sexual assault of a child and two counts of indecency with a child. See *id.* §§ 21.11(a)(1), 22.021(a)(2)(B).¹ The trial court accepted the plea and placed Coleman on community supervision for ten years. Subsequently, the State filed a motion to revoke Coleman's community supervision.² Coleman pleaded "true" to all of the allegations in the State's motion to revoke.³ The trial court revoked community supervision and sentenced Jones to concurrent terms of confinement of thirty years for each count of the aggravated sexual assault of a child offenses and twenty years for the indecency with a child offense. This appeal followed.

II. REVOCATION

By a single issue, Coleman contends that the trial court abused its discretion by

¹ Specifically, Coleman pleaded guilty to the following offenses as alleged in the indictments: (1) "intentionally and knowingly contacted or penetrated the female sexual organ of [A.G.], by my mouth" when A.G. "was then and there a child younger than 14 years of age, and not my spouse"; (2) "intentionally and knowingly penetrated the female sexual organ of [A.G.], by my finger, and [A.G.] was then and there a child younger than 14 years of age, and not my spouse"; and (3) "did then and there with the intent to arouse and gratify my sexual desire, intentionally or knowingly engage in sexual contact with [A.G.], by touching the breasts of [A.G.], a child younger than 17 years of age and not my spouse."

² The State had previously filed a motion to revoke because Coleman had been seen at a local grocery store holding a child, when he had been prohibited from being around children as a condition of his community supervision. Although Coleman pleaded "true" to that allegation, the trial court did not revoke Coleman's community supervision at that time, and it continued him on community supervision.

³ Coleman pleaded "true" to the State's allegations that he violated the conditions of community supervision by: (1) using cocaine; (2) failing to pay fees including court costs, victims' compensation fund, attorney fees, crime stopper fees, monthly supervision fees, and the sex offender fee; and (3) violating curfew.

revoking his community supervision. Specifically, as we understand it, Coleman argues that the trial court failed to properly apply its discretion because it decided to revoke his community supervision prior to hearing evidence.

A. Standard of Review and Applicable Law

We review the trial court's decision to revoke community supervision under an abuse of discretion standard. *Rickels v. State*, 202 S.W.3d 759, 763 (Tex. Crim. App. 2006). A single violation will support the trial court's decision to revoke community supervision. *Garcia v. State*, 387 S.W.3d 20, 26 (Tex. Crim. App. 2012); *Moore v. State*, 605 S.W.2d 924, 926 (Tex. Crim. App. 1980). A defendant's plea of true, standing alone, sufficiently supports revocation of community supervision. *Cole v. State*, 578 S.W.2d 127, 128 (Tex. Crim. App. [Panel Op.] 1979).

The State must prove that the defendant violated the conditions of community supervision by a preponderance of the evidence. *Rickels*, 202 S.W.3d at 763. 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).

B. Discussion

In his brief, Coleman concedes that he pleaded true to the allegations in the State's motion, and he does not deny that he violated the conditions of community supervision as alleged by the State. Nonetheless, Coleman states the following:

In the present case, the trial court announced that certain offenses mandate revocation for any violation of any condition of community supervision. The trial court thus refused to consider the evidence and legal principles and thus failed to exercise discretion, requiring remand for consideration of the full range of options to revoke or not revoke.^[4]

⁴ Coleman further states,

Coleman complains that the trial court “made its decision [to revoke community supervision] before it heard any evidence concerning the allegations” because after Coleman pleaded “true” to the State’s allegations, “the trial court announced it would proceed to ‘sentencing’ prior to “receiving any evidence on the circumstances of the allegations in the motion to revoke.” However, Coleman cites no authority, and we find none, requiring that the trial court consider evidence concerning the State’s allegations when the defendant pleads “true” to them.⁵

Coleman pleaded true to all allegations in the State’s motion to revoke, and the trial court found all the allegations were “true” based on his pleas. Because a plea of “true” alone to any one violation will support revocation of community supervision, on this record, revocation was within the trial court’s discretion. See *Cole*, 578 S.W.2d at 128. Therefore, we cannot conclude that the trial court abused its discretion by revoking Coleman’s community supervision. See *Rickels*, 202 S.W.3d at 763. We overrule Coleman’s sole issue.⁶

In candor to this Honorable Court, [Coleman] must admit that he has found no cases in which a court of appeals stated a trial court must allow an Appellant to remain on community supervision despite violations of conditions. However, Appellant’s argument is to the nature of the adjudicative process of the hearing on the Motion to Revoke. While a trial court’s decision on a Motion to Revoke is reviewed for an abuse of discretion, there must be a showing that discretion was in fact exercised by the trial court.

⁵ The trial court’s written admonishments state, “By pleading true, the Court may find that you violated a condition of Community supervision” and “By pleading true or nolo contendere, the State does not have to produce any evidence against you.” Coleman acknowledged that he understood the trial court’s admonishments by placing his initials on the form where it stated he understood the admonishments. In open court, the trial court asked Coleman if he understood the admonishments, and Coleman stated he did.

⁶ By a sub-issue, Coleman complains that the trial court “abrogated its duty to consider the legal principles involved in revocation proceedings” when it stated that “a probationer ‘in this type of court’ ‘had to be the best probationer in the world’” and “announced that Appellant could not so much as j-walked without being revoked and imprisoned.” Coleman then claims, without citing anything in the record or any authority as support, that “the trial court ignored everything but the original offense and the existence of a violation, and rather than exercise discretion, recited that the matter was already decided by the nature of

IV. CONCLUSION

We affirm the trial court's judgment.

JAIME TIJERINA,
Justice

Do not publish.
TEX. R. APP. P. 47.2(b).

Delivered and filed the
30th day of July, 2020.

[the] court and the offense." Coleman does not explain with citation to pertinent authority and with substantive argument how the trial court's statements constituted an abuse of discretion, and we are unable to construe his argument. See TEX. R. APP. P. 38.1. Therefore, we conclude that this sub-issue is inadequately briefed, and we overrule it. See *id.*