

**NO. 12-17-00363-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*COURTNEY DANIEL WARREN,  
APPELLANT*

§ *APPEAL FROM THE 159TH*

*V.*

§ *JUDICIAL DISTRICT COURT*

*THE STATE OF TEXAS,  
APPELLEE*

§ *ANGELINA COUNTY, TEXAS*

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***MEMORANDUM OPINION***

Courtney Daniel Warren appeals his sentence following the revocation of his community supervision. In one issue, Appellant argues the trial court erred by failing to award him credit towards his sentence for the time he spent in a substance abuse felony punishment facility (SAFP). We modify and affirm as modified.

**BACKGROUND**

In June 2015, Appellant pleaded “guilty” to eight counts of theft of property totaling less than \$1,500, enhanced. Pursuant to a plea agreement, Appellant was placed on deferred adjudication community supervision for ten years on Counts II-VIII.<sup>1</sup> One of the conditions of Appellant’s community supervision required that he successfully serve a term of confinement and treatment in a SAFP facility. The record indicates Appellant entered a SAFP facility on March 28, 2015 and was released on February 10, 2016. Appellant was then transferred to a Residential Transitional Treatment Program and released upon completion on May 10, 2016.

In August 2016, the State filed a motion to adjudicate or revoke, which requested the trial court revoke Appellant’s community supervision. Appellant pleaded “true” to three of the

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<sup>1</sup> Appellant was sentenced to six months confinement on Count I and did not receive community supervision for Count I. The record is unclear as to that Count’s disposition. Appellant raises no challenge with regard to his punishment for Count I. As a result, we need not address it. *See* TEX. R. APP. P. 47.1.

State's allegations. Following a hearing, the trial court found the allegations in the State's motion to be "true," revoked Appellant's community supervision, and sentenced him to imprisonment for ten years, with credit for time served. This appeal followed.

#### **TIME CREDIT**

In his sole issue, Appellant complains that the trial court erred by not crediting his sentence with the time he spent in the halfway house. The State concedes error.

Successful completion of the inpatient portion of the SAFF program entitles a defendant to credit towards his sentence for time spent in the facility. *See* TEX. CODE CRIM. PROC. ANN. art. 42A.755(d) (West 2018) (on revocation, trial court shall credit to defendant time served as a condition of community supervision in a substance abuse felony punishment facility if defendant successfully completed the treatment program in that facility); *Deveraux v. State*, Nos. 12-13-00284-CR, 12-13-00285-CR, 2014 WL 977475, at \*3 (Tex. App.—Tyler Mar. 12, 2014, no pet.) (mem. op., not designated for publication) (a defendant is not required to complete a subsequent program to receive credit on sentence for time served in a SAFF facility). In this case, the record indicates that Appellant completed the inpatient portion of the SAFF program; thus, we sustain Appellant's sole issue and conclude that he should receive credit for the time he spent in SAFF. *See* TEX. CODE CRIM. PROC. ANN. art. 42A.755(d); *Deveraux*, 2014 WL 977475, at \*3.

We have the authority to modify a judgment to make the record speak the truth when we have the necessary data and information to do so. *See* TEX. R. APP. P. 43.2(b); *see also Ingram v. State*, 261 S.W.3d 749, 754 (Tex. App.—Tyler 2008, no pet.); *Davis v. State*, 323 S.W.3d 190, 198 (Tex. App.—Dallas 2008, pet. ref'd). In this case, the record indicates that Appellant entered SAFF on March 28, 2015. Appellant testified, without objection, that he was transferred to a halfway house on February 10, 2016, for three months as part of the SAFF treatment plan. Appellant was not credited for February 10, 2016 through May 10, 2016. However, the record supports the conclusion that Appellant is entitled to credit for time spent in SAFF from February 10 to May 10. Because we have the necessary information, we conclude that the trial court's judgment should be modified to reflect credit for the time Appellant served in a SAFF facility, which, by our calculation, is another ninety days in addition to the days already credited to his sentence. *See* TEX. R. APP. P. 43.2(b).

**DISPOSITION**

Having sustained Appellant's sole issue, we *modify* the trial court's judgment of adjudication by adding the date range "From 02/10/2016 TO 05/10/2016" in the "Time Credited" column between the lines that state "From 03/28/2015 TO 2/10/2016" and "From 06/05/2017 to 11/07/2017[.]" We *affirm* the trial court's judgment as *modified*.

**GREG NEELEY**  
Justice

Opinion delivered May 23, 2018.

*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

(DO NOT PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

MAY 23, 2018

NO. 12-17-00363-CR

COURTNEY DANIEL WARREN,  
Appellant  
V.  
THE STATE OF TEXAS,  
Appellee

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Appeal from the 159th District Court  
of Angelina County, Texas (Tr.Ct.No. 2015-0328)

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THIS CAUSE came on to be heard on the appellate record and the briefs filed herein; and the same being inspected, it is the opinion of the Court that the trial court's judgment of adjudication below should be **modified and, as modified, affirmed**.

It is therefore ORDERED, ADJUDGED and DECREED that the trial court's judgment of adjudication below be **modified** by adding the date range "From 02/10/2016 TO 05/10/2016" in the "Time Credited" column between the lines that state "From 03/28/2015 TO 2/10/2016" and "From 06/05/2017 to 11/07/2017[.]"; **and as modified**, the trial court's judgment is **affirmed**; and that this decision be certified to the trial court below for observance.

Greg Neeley, Justice.

*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*