

TEXAS COURT OF APPEALS, SECOND APPELLATE DISTRICT, FORT WORTH

Aaron Ray Morris v. the State of Texas

No. 02-25-00235-CR · No. No. 02-25-00235-CR · Decided May 28, 2026

SUMMARY

The Texas Court of Appeals, Second Appellate District, affirmed, as modified, the judgment adjudicating Aaron Ray Morris’s guilt and revoking his deferred-adjudication community supervision. The court held that Morris failed to preserve his due-diligence defense, that testimony regarding positive urinalyses was sufficient to establish a supervision violation, and that the record did not show an order requiring him to pay appointed-counsel fees. The court modified the judgment to reflect only the community-supervision violations orally found by the trial court.

CASE DETAILS

COURT	Texas Court of Appeals, Second Appellate District, Fort Worth
WRITING FOR THE COURT	Dabney Bassel; Kerr, J.; Birdwell, J.; Bassel, J.
JURISDICTION	Texas Court of Appeals, Second Appellate District, Fort Worth
DECIDED	May 28, 2026
DOCKET	No. 02-25-00235-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order adjudicating guilt, revoking deferred-adjudication community supervision, and imposing a four-year sentence for evading arrest or detention with a vehicle.
STANDARD OF REVIEW	An order proceeding to adjudication is reviewed in the same manner as a decision to revoke community supervision, for abuse of discretion. The State must prove at least one supervision violation by a preponderance of the evidence. The evidence is viewed in the light most favorable to the trial court's ruling, and the trial court is the sole judge of witness credibility and evidentiary weight.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication under Tex. R. App. P. 47.2(b).
PARTIES	Aaron Ray Morris v. The State of Texas

TOPICS

criminal procedure

probation

appellate procedure

preservation of error

evidence

PRACTICE AREAS

Criminal law

Criminal procedure

Community supervision

Appellate procedure

QUESTIONS PRESENTED

1. Whether Morris preserved and established the statutory due-diligence affirmative defense to revocation based on failure to report.
2. Whether a community-supervision officer's testimony that Morris tested positive for narcotics was legally sufficient to prove a supervision violation without documentary drug-test evidence or an admission of drug use.
3. Whether the judgment adjudicating guilt should be modified to reflect only the supervision violations orally found by the trial court.
4. Whether the trial court imposed an obligation requiring Morris to reimburse appointed-counsel fees despite his indigence.

HOLDINGS

1. A defendant must specifically invoke the statutory due-diligence affirmative defense in the trial court to preserve appellate review of whether supervision officers exercised due diligence. Counsel's oblique statement that officers had 'given up' on Morris did not specifically invoke the defense or satisfy Texas Rule of Appellate Procedure 33.1(a)(1).
2. A community-supervision officer's testimony that the defendant tested positive for narcotics is sufficient, by itself, to prove a community-supervision violation by a preponderance of the evidence; documentary drug-test results or an admission of drug use are not required.
3. An appellate court may modify an incorrect judgment to conform it to the trial court's oral findings when the record supplies the necessary information. The judgment was properly modified to reflect only violations of paragraphs 2 and 4 and to delete violations of paragraphs 10, 11, and 12.
4. The appellate court would not find error based on an alleged appointed-counsel fee obligation where the record did not establish that the trial court ordered Morris to pay those fees.

KEY QUOTATIONS

"Appellate courts may modify incorrect judgments to make the record 'speak the truth' when they have the necessary data and information to do so." (at 12)

FACTUAL BACKGROUND

Morris was placed on deferred-adjudication community supervision after being indicted for evading arrest or detention with a vehicle. While supervised in Tarrant County, he was instructed to abstain from illegal narcotics and tested positive for amphetamine and methamphetamine on two urinalyses. He also failed to report as directed, did not complete a transfer-related reporting appointment, and failed to report after supervision was

transferred back to Wise County. The trial court orally found violations based on drug use and failure to report, adjudicated guilt, revoked supervision, and imposed four years' confinement.

PROCEDURAL HISTORY

Morris pleaded pursuant to an agreement and was placed on deferred-adjudication community supervision. After the State filed and twice amended a motion to proceed to adjudication alleging violations of his supervision conditions, the trial court found violations, adjudicated him guilty, revoked community supervision, and sentenced him to four years' confinement. The court of appeals modified the judgment to delete three violations not orally found by the trial court and affirmed as modified.

DISPOSITION

affirmed

CASES CITED

- Powe v. State, 436 S.W.3d 91, 93 (Tex. App.—Fort Worth 2014, pet. ref'd)
- Bryant v. State, 391 S.W.3d 86, 92-93 (Tex. Crim. App. 2012)
- Leach v. State, 170 S.W.3d 669, 672 (Tex. App.—Fort Worth 2005, pet. ref'd)
- Hacker v. State, 389 S.W.3d 860, 865 (Tex. Crim. App. 2013)
- Cardona v. State, 665 S.W.2d 492, 493 (Tex. Crim. App. 1984)
- Garcia v. State, 387 S.W.3d 20, 24-26 (Tex. Crim. App. 2012)
- High v. State, No. 07-18-00198-CR, 2019 WL 2532424, at *2 (Tex. App.—Amarillo June 19, 2019, no pet.)
- Diaz v. State, No. 13-21-00423-CR, 2023 WL 2608874, at *4-5 (Tex. App.—Corpus Christi–Edinburg Mar. 23, 2023, no pet.)
- Burns v. State, Nos. 07-20-00357-CR, 07-20-00358-CR, 2021 WL 4477744, at *1 (Tex. App.—Amarillo Sept. 30, 2021, no pet.)
- Garza v. State, 126 S.W.3d 79, 81-82 (Tex. Crim. App. 2004)
- Peacock v. State, 77 S.W.3d 285, 287-88 (Tex. Crim. App. 2002)
- Baker v. State, No. 07-07-0227-CR, 2009 WL 1066111, at *1 (Tex. App.—Amarillo Apr. 20, 2009, no pet.)
- McGaughey v. State, No. 13-18-00154-CR, 2019 WL 3721340, at *2 (Tex. App.—Corpus Christi–Edinburg Aug. 8, 2019, pet. ref'd)
- Boswell v. State, No. 02-15-00470-CR, 2016 WL 4474849, at *3 (Tex. App.—Fort Worth Aug. 25, 2016, no pet.)
- Cherry v. State, 215 S.W.3d 917, 920 (Tex. App.—Fort Worth 2007, pet. ref'd)
- Ette v. State, 551 S.W.3d 783, 792 (Tex. App.—Fort Worth 2017), aff'd, 559 S.W.3d 511 (Tex. Crim. App. 2018)
- Roberts v. State, Nos. 01-20-00226–00229-CR, 2021 WL 497306, at *3-7 (Tex. App.—Houston [1st Dist.] Feb. 11, 2021, no pet.)

- Richardson v. State, Nos. 02-24-00237-CR, 02-24-00238-CR, 2026 WL 253462, at *20-21 (Tex. App.—Fort Worth Jan. 30, 2026, no pet.)
- Abad v. State, 729 S.W.3d 108, 123-24 (Tex. App.—Houston [14th Dist.] 2025, no pet.)
- London v. State, 490 S.W.3d 503, 508 n.5 (Tex. Crim. App. 2016)
- Summers v. State, 555 S.W.3d 844, 850-54 (Tex. App.—Waco 2018, no pet.)
- Lewis v. State, 423 S.W.3d 451, 454-56 (Tex. App.—Fort Worth 2013, pet. ref'd)

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