

COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT AT AMARILLO

Xavier Estrada v. The State of Texas

No. 07-21-00298-CR (Tex. App.—Amarillo Feb. 17, 2023) (mem.) · No. No. 07-21-00298-CR · Decided February 17, 2023

SUMMARY

The court affirmed the revocation of Xavier Estrada’s community supervision and ten-year sentence for burglary of a habitation. It held that probation-office chronological records were properly supported under the business-records exception, that the Confrontation Clause did not apply to the revocation proceeding, and that sufficient evidence supported findings that Estrada violated multiple supervision conditions.

CASE DETAILS

COURT	Court of Appeals of Texas, Seventh District at Amarillo
WRITING FOR THE COURT	Lawrence M. Doss; Quinn, C.J.; Parker, J.; Doss, J.
JURISDICTION	Texas
DECIDED	February 17, 2023
DOCKET	No. 07-21-00298-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order revoking community supervision and assessing ten years of confinement following a revocation hearing.
STANDARD OF REVIEW	A revocation of community supervision is reviewed for abuse of discretion, with the evidence viewed in the light most favorable to the trial court's ruling. The trial court's evidentiary rulings are also reviewed for abuse of discretion and are upheld if within the zone of reasonable disagreement and correct under any applicable legal theory.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; the opinion states, 'Do not publish.'
PARTIES	Xavier Estrada v. The State of Texas

TOPICS

- probation
- hearsay
- evidence
- standard of review
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

community supervision

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by admitting probation-office chronological records and testimony about their contents under the business-records exception to the hearsay rule.
2. Whether admitting testimony based on chronological records prepared by other probation officers violated Estrada's federal constitutional right to confrontation.
3. Whether the evidence was sufficient to support revocation of community supervision.

HOLDINGS

1. A testifying probation officer need not be the custodian of probation records or have personal knowledge of the underlying events; personal knowledge of how the records were prepared and stored is sufficient to qualify the witness under Texas Rule of Evidence 803(6).
2. The Crawford-type confrontation right does not apply to a community-supervision revocation proceeding because such a proceeding is not a stage of a criminal prosecution.
3. The evidence was sufficient to support revocation because proof of a violation of a single term or condition of community supervision is sufficient, and Mata's testimony established multiple violations by a preponderance of the evidence.

KEY QUOTATIONS

“The business records exception does not require the State to admit the underlying document as a condition to the witness testifying about its contents.” (at 5)

“To require the testifying witness to possess personal knowledge of the underlying facts would render unnecessary the purpose of a business records exception.” (at 6)

“However, this Court has held that a Crawford-type right to confrontation “does not apply in the revocation of community supervision arena because a revocation proceeding is not considered a stage of a criminal prosecution.”” (at 8)

FACTUAL BACKGROUND

Estrada was placed on five years of community supervision after pleading guilty to burglary of a habitation and receiving a ten-year sentence. His supervision conditions required him to report as directed, submit to drug testing, and participate in a state-contracted intermediate sanction facility program. At the revocation hearing, probation officer Maria Mata testified from chronological records prepared and maintained by the probation department that Estrada failed to report for an extended period, failed to submit to a required drug test, and failed to report to the treatment facility.

PROCEDURAL HISTORY

Estrada pleaded guilty to burglary of a habitation in April 2019 and received a ten-year sentence probated for five years. After the State filed an amended motion to revoke community supervision alleging violations of reporting, drug-testing, and treatment conditions, the trial court held a hearing in October 2021, revoked supervision, and assessed ten years of confinement. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Rickels v. State, 202 S.W.3d 759, 763-64 (Tex. Crim. App. 2006)
- Duhon v. State, No. 07-07-00064-CR, 2007 Tex. App. LEXIS 7866, at *2-3 (Tex. App.—Amarillo Oct. 2, 2007, no pet.)
- 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. [Panel Op.] 1980)
- Ford v. State, No. 13-10-00478-CR, 2011 Tex. App. LEXIS 2192, at *3 (Tex. App.—Corpus Christi-Edinburg Mar. 24, 2011, no pet.)
- Norman v. State, No. 13-10-00017-CR, 2011 Tex. App. LEXIS 5391, at *5-6 (Tex. App.—Corpus Christi 2011, no pet.)
- Simmons v. State, 564 S.W.2d 769, 770 (Tex. Crim. App. 1978)
- Canseco v. State, 199 S.W.3d 437, 439-40 (Tex. App.—Houston [1st Dist.] 2006, pet. ref'd)
- City of Houston v. Ayala, 628 S.W.3d 615, 623 (Tex. App.—Houston [14th Dist.] 2021, no pet.)
- Bahena v. State, 634 S.W.3d 923, 928-29 (Tex. Crim. App. 2021)
- Love v. State, No. AP-77,085, 2021 Tex. Crim. App. Unpub.
- Bluntzer v. State, No. 07-11-00389-CR, 2012 Tex. App. LEXIS 4455, at *6-7 (Tex. App.—Amarillo 2012, pet. ref'd)
- Smart v. State, 153 S.W.3d 118, 121 (Tex. App.—Beaumont 2004, pet. ref'd)
- Lucio v. State, 351 S.W.3d 878, 896-97 (Tex. Crim. App. 2011)
- Greer v. State, 999 S.W.2d 484, 489 (Tex. App.—Houston [14th Dist.] 1999, pet. ref'd)
- Valderas v. State, Nos. 07-21-00111-CR, 07-21-00112-CR, 2022 Tex. App. LEXIS 5907, at *7 (Tex. App.—Amarillo Aug. 15, 2022, no pet. h.)
- Temple v. State, 390 S.W.3d 341, 360 (Tex. Crim. App. 2013)
- Drew v. State, 942 S.W.2d 98, 100 (Tex. App.—Amarillo 1997, no pet.)
- Truitt v. State, Nos. 01-07-01062-CR, 01-07-01085-R, 01-07-01086-CR, 2009 Tex. App. LEXIS 5249, at *23-24 (Tex. App.—Houston [1st Dist.] July 9, 2009, pet. ref'd)
- Busby v. State, 253 S.W.3d 661, 673 (Tex. Crim. App. 2008)
- Lily v. State, 365 S.W.3d 321, 326 (Tex. Crim. App. 2012)
- DeBlanc v. State, 799 S.W.2d 701, 706 (Tex. Crim. App. 1990)

