

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Dalton Lamont Cross v. the State of Texas

Nos. 05-20-00336-CR and 05-20-00482-CR · No. Nos. 05-20-00336-CR and 05-20-00482-CR · Decided May 13, 2022

SUMMARY

The Fifth District Court of Appeals of Texas affirmed the revocation of Dalton Lamont Cross’s community supervision in two criminal cases involving theft and possession of methamphetamine. The court held that sufficient evidence supported the revocations and that the trial court did not improperly assess duplicative court costs; it modified one judgment to identify an additional violated supervision condition.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Bill Pedersen, III; Justice Osborne; Justice Pedersen, III; Justice Reichel
JURISDICTION	Texas
DECIDED	May 13, 2022
DOCKET	Nos. 05-20-00336-CR and 05-20-00482-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from judgments revoking community supervision in two criminal cases.
STANDARD OF REVIEW	A trial court's decision to revoke community supervision is reviewed for abuse of discretion. The appellate court views the evidence in the light most favorable to the ruling, defers to the trial court's determinations regarding witness credibility and evidentiary weight, and presumes that conflicts and reasonable inferences were resolved in favor of the ruling.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication and generally not precedential.
PARTIES	Dalton Lamont Cross v. The State of Texas

TOPICS

probation

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

community supervision revocation

criminal appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by revoking Cross's community supervision because the evidence was insufficient to establish violations of the supervision conditions.
2. Whether the trial court improperly assessed duplicative court costs in the two cases.
3. Whether the appellate court could modify the judgment in the possession case to identify both conditions that the trial court found Cross violated.

HOLDINGS

1. The evidence was sufficient to support the trial court's finding that Cross violated the aftercare condition of community supervision, and the trial court therefore did not abuse its discretion by revoking supervision.
2. The trial court did not improperly assess duplicative court costs because the challenged amounts were assessed in the earlier proceedings following Cross's original convictions, not in a single proceeding involving multiple convictions.
3. The appellate court had authority to modify the judgment in the possession case to state that Cross violated conditions N and Q, because the record supplied the information necessary to correct the judgment and reflect the trial court's findings.

KEY QUOTATIONS

“A finding of a single violation of community supervision is sufficient to support revocation.” (at 5)

“When the record provides the necessary information to correct inaccuracies in the trial court’s judgment, we have the authority to reform the judgment to speak the truth.” (at 8)

“We modify the judgment in case number 05-20-00482-CR (trial court case number F18-59761-J) to state: “Defendant violated the following conditions of community supervision: N, Q.”” (at 9)

FACTUAL BACKGROUND

Cross was placed on community supervision after guilty pleas to theft of property valued at less than \$2,500 and possession of less than one gram of methamphetamine. His supervision conditions required participation in a drug-and-alcohol continuum-of-care aftercare program following release from a substance-abuse treatment facility. A supervision officer testified that Cross repeatedly violated program rules, left the halfway house without authorization, and did not return or maintain contact with the program. Cross acknowledged leaving without authorization, although he said he was upset after being told he could not go to work.

PROCEDURAL HISTORY

Cross pleaded guilty to theft of property valued at less than \$2,500 and later pleaded guilty to possession of less than one gram of methamphetamine. The trial court suspended both sentences and placed him on community supervision. After the State moved to revoke supervision based on alleged violations, the trial court found violations in both cases, revoked supervision, imposed concurrent prison terms, and assessed court costs. The Court of Appeals affirmed one judgment, modified the other to identify an additional violated condition, and affirmed it as modified.

DISPOSITION

affirmed

CASES CITED

- Rickels v. State, 202 S.W.3d 759, 763-64 (Tex. Crim. App. 2006)
- Newhouse v. State, No. 05-14-01628-CR, 2015 WL 7720462, at *2 (Tex. App.—Dallas Nov. 30, 2015, no pet.) (mem. op., not designated for publication)
- Garrett v. State, 619 S.W.2d 172, 174 (Tex. Crim. App. [Panel Op.] 1981)
- Cherry v. State, No. 05-10-00751-CR, 2011 WL 783634, at *1 (Tex. App.—Dallas Mar. 8, 2011, no pet.) (mem. op., not designated for publication)
- Sanchez v. State, 603 S.W.2d 869, 871 (Tex. Crim. App. [Panel Op.] 1980)
- Bigley v. State, 865 S.W.2d 26, 27-28 (Tex. Crim. App. 1993)
- Asberry v. State, 813 S.W.2d 526, 529-30 (Tex. App.—Dallas 1991, pet. ref'd)