

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Dimenisa Deshay Birdwell v. the State of Texas

Dimenisa Deshay Birdwell v. State, No. 01-24-00084-CR (Tex. App.—Houston [1st Dist.] Dec. 18, 2025) (mem. op.) · No. 01-24-00084-CR · Decided December 18, 2025

SUMMARY

The First Court of Appeals of Texas affirmed the trial court’s judgment adjudicating Dimenisa Deshay Birdwell guilty of evading arrest in a vehicle and sentencing her to four years’ imprisonment. The court held that because Birdwell challenged only three of the eleven community-supervision violations found true, she presented nothing for review, and any single violation was sufficient to support revocation and adjudication.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Jennifer Caughey; Rivas-Molloy; Gunn
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	December 18, 2025
DOCKET	01-24-00084-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Birdwell appealed the judgment adjudicating her guilt and sentencing her to four years' imprisonment after the trial court revoked her deferred-adjudication community supervision.
STANDARD OF REVIEW	A trial court has discretion to revoke community supervision when the State proves by a preponderance of the evidence that the defendant violated a condition of supervision.
PRECEDENTIAL VALUE	unpublished and not designated for publication
PARTIES	Dimenisa Deshay Birdwell v. The State of Texas

TOPICS

- probation
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- criminal procedure
- community supervision

QUESTIONS PRESENTED

1. Whether an appellant seeking reversal of a revocation of community supervision and adjudication of guilt must challenge every violation found true by the trial court.
2. Whether the court of appeals was required to review the three challenged violations because they allegedly may have affected the sentence imposed.

HOLDINGS

1. Because proof of any single violation is sufficient to support revocation, an appellant must successfully challenge all violations found true by the trial court to obtain reversal of the revocation and judgment adjudicating guilt. If the appellant challenges fewer than all violations, she presents nothing for review.
2. The appellate court was not required to review the three challenged violations based on Birdwell's sentencing argument because, after revocation and adjudication, the defendant is sentenced for the underlying offense rather than for the violations of community supervision.

KEY QUOTATIONS

“Therefore, to obtain reversal of a trial court’s judgment adjudicating guilt, an appellant must successfully challenge all of the violations found to be true.” (at 2)

“If the appellant does not challenge all violations, then she presents nothing for review.” (at 3)

FACTUAL BACKGROUND

Birdwell pleaded guilty to third-degree-felony evading arrest in a vehicle based on a prior evading-arrest conviction. The trial court deferred adjudication, imposed two years of community supervision, and later found that Birdwell violated 11 conditions. After adjudicating her guilt, the court sentenced her to four years' imprisonment; Birdwell challenged only three of the violations on appeal.

PROCEDURAL HISTORY

Birdwell pleaded guilty to evading arrest in a vehicle, and the trial court deferred adjudication and placed her on two years of community supervision. After the State moved to revoke supervision and adjudicate guilt based on alleged violations, the trial court found 11 violations true, adjudicated guilt, and imposed a four-year sentence. On appeal, Birdwell challenged only three of the 11 violations.

DISPOSITION

affirmed

CASES CITED

- Leonard v. State, 385 S.W.3d 570, 576 (Tex. Crim. App. 2012)
- Garcia v. State, 387 S.W.3d 20, 26 (Tex. Crim. App. 2012)
- Silber v. State, 371 S.W.3d 605, 611 (Tex. App.—Houston [1st Dist.] 2012, no pet.)

- Smith v. State, 286 S.W.3d 333, 342 (Tex. Crim. App. 2009)
- Moore v. State, 605 S.W.2d 924, 926 (Tex. Crim. App. 1980)
- Gobell v. State, 528 S.W.2d 223, 224 (Tex. Crim. App. 1975)
- Guerrero v. State, 554 S.W.3d 268, 273-74 (Tex. App.—Houston [14th Dist.] 2018, no pet.)
- Pleasant v. State, No. 01-14-00586-CR, 2015 WL 2393393, at *3 (Tex. App.—Houston [1st Dist.] May 19, 2015, no pet.) (mem. op., not designated for publication)
- Guillory v. State, 652 S.W.3d 923, 928 (Tex. App.—Eastland 2022, pet. ref'd)
- Buerger v. State, 60 S.W.3d 358, 365-66 (Tex. App.—Houston [14th Dist.] 2001, pet. ref'd)

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