

COURT OF APPEALS, SIXTH APPELLATE DISTRICT OF TEXAS AT
TEXARKANA

Durrell Ware v. The State of Texas

No. 06-25-00116-CR (Tex. App.—Texarkana June 9, 2026) · No. 06-25-00116-CR · Decided June 9, 2026

SUMMARY

The Texas Sixth Court of Appeals affirmed the revocation of Durrell Ware’s deferred-adjudication community supervision and his ten-year prison sentence. The court held that any assumed Confrontation Clause error concerning testimony about Ware’s GPS device was harmless because Ware admitted removing the device and failing to report, either of which supported revocation. The court also held that Ware preserved no complaint regarding the denial of his continuance request because the request was oral and unsworn.

CASE DETAILS

COURT	Court of Appeals, Sixth Appellate District of Texas at Texarkana
WRITING FOR THE COURT	Jeff Rambin; Chief Justice Stevens; Justice van Cleef; Justice Rambin
JURISDICTION	Court of Appeals Sixth Appellate District of Texas at Texarkana
DECIDED	June 9, 2026
DOCKET	06-25-00116-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order revoking deferred-adjudication community supervision, adjudicating Ware guilty of family-violence assault by occlusion, and sentencing him to ten years' imprisonment.
STANDARD OF REVIEW	Community-supervision revocation, evidentiary rulings, and decisions on motions for continuance are reviewed for abuse of discretion. The appellate court upholds the ruling unless it was arbitrary or unreasonable, lacked reference to guiding rules and principles, or fell outside the zone of reasonable disagreement. Constitutional error is reviewed for harmlessness.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Durrell Ware v. The State of Texas

TOPICS

criminal procedure

due process

right to counsel

preservation of error

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

community supervision revocation

constitutional criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether admission of the community-supervision officer's testimony concerning an absent police officer's discovery and retrieval of Ware's GPS device violated Ware's due process right to confrontation and required reversal.
2. Whether the trial court abused its discretion by denying Ware's oral request for a continuance.

HOLDINGS

1. Even assuming that admission of the community-supervision officer's testimony concerning the absent police officer's actions violated Ware's confrontation rights, any error was harmless because Ware independently admitted removing the GPS device and failing to report as directed, and a single proven violation supported revocation.
2. Ware preserved nothing for appellate review because his request for a continuance was oral and unsworn rather than presented in a written motion setting forth sufficient cause.

KEY QUOTATIONS

"Given the admission regarding the independent ground of failing to report, we find no abuse of discretion in the trial court's decision to revoke Ware's deferred adjudication community supervision." (7-8)

"In any event, the motion was oral, and unsworn." (9)

FACTUAL BACKGROUND

Ware was placed on deferred-adjudication community supervision after pleading guilty to family-violence assault by occlusion. His supervision conditions required him to wear a GPS monitor and report to his community-supervision officer. After the monitoring device was found tampered with, Ware's officer instructed him to report, but Ware did not do so; Ware admitted both removing the GPS device and failing to report.

PROCEDURAL HISTORY

Ware pleaded guilty to family-violence assault by occlusion. The trial court deferred adjudication, imposed a ten-year sentence, and placed him on five years' community supervision. After the State alleged violations involving tampering with a GPS device and failing to report, the trial court held a revocation hearing, revoked supervision, adjudicated guilt, and imposed the ten-year prison sentence. Ware appealed, challenging the admission of testimony concerning the GPS device and the denial of his oral request for a continuance.

DISPOSITION

affirmed

CASES CITED

- Hacker v. State, 389 S.W.3d 860, 865 (Tex. Crim. App. 2013)
- Bluntson v. State, 728 S.W.3d 87, 108 (Tex. Crim. App. 2025)
- State v. Lerma, 629 S.W.3d 63, 68 (Tex. Crim. App. 2021)
- Johnson v. State, 490 S.W.3d 895, 908 (Tex. Crim. App. 2016)
- Renteria v. State, 206 S.W.3d 689, 699 (Tex. Crim. App. 2006)
- Lowrey v. State, 469 S.W.3d 318, 327 (Tex. App.—Texarkana 2015, pet. ref'd)
- Woodall v. State, 336 S.W.3d 634, 641 (Tex. Crim. App. 2011)
- De La Paz v. State, 273 S.W.3d 671, 680 (Tex. Crim. App. 2008)
- Crawford v. Washington, 541 U.S. 36, 54, 59 (2004)
- Hughes v. State, 651 S.W.3d 461, 468 (Tex. App.—Houston [14th Dist.] 2022), aff'd on other grounds, 691 S.W.3d 504 (Tex. Crim. App. 2024)
- Perez v. State, No. 13-14-00300-CR, 2015 WL 4234236, at *3 (Tex. App.—Corpus Christi—Edinburg July 9, 2015, no pet.)
- Gage v. State, No. 07-25-00150-CR, 2026 WL 130816, at *5 (Tex. App.—Amarillo Jan. 16, 2026, no pet.)
- State v. Navarro, No. 03-23-00637-CR, 2025 WL 2942231, at *12 (Tex. App.—Austin Oct. 17, 2025, pet. filed)
- Guillory v. State, 652 S.W.3d 923, 928 (Tex. App.—Eastland 2022, pet. ref'd)
- Olabode v. State, 575 S.W.3d 878, 881 (Tex. App.—Dallas 2019, pet. ref'd)
- United States v. Reese, 775 F.3d 1327, 1329 (11th Cir. 2015) (per curiam)
- Cunningham v. State, 673 S.W.3d 280, 290-91 (Tex. App.—Texarkana 2023, no pet.)
- Tapia v. State, 462 S.W.3d 29, 41 (Tex. Crim. App. 2015)
- Davis v. Washington, 547 U.S. 813, 821 (2006)
- Smith v. State, 726 S.W.3d 466, 473-74 (Tex. Crim. App. 2025)
- Coy v. Iowa, 487 U.S. 1012, 1021 (1988)
- Spielbauer v. State, 622 S.W.3d 314, 318 (Tex. Crim. App. 2021)
- Johnson v. State, 43 S.W.3d 1, 5 (Tex. Crim. App. 2001)
- O'Neal v. McAninch, 513 U.S. 432, 437 (1995)
- Wells v. State, 611 S.W.3d 396, 410 (Tex. Crim. App. 2020)
- Love v. State, 543 S.W.3d 835, 846 (Tex. Crim. App. 2016)
- Garcia v. State, 387 S.W.3d 20, 26 (Tex. Crim. App. 2012)
- Blackshear v. State, 385 S.W.3d 589, 591 (Tex. Crim. App. 2012)
- Parker v. State, 727 S.W.3d 38, 64 (Tex. Crim. App. 2025), cert. denied, 2026 WL 1377167 (U.S. May 18, 2026) (No. 25-7025)

- *Montgomery v. State*, Nos. 02-21-00002-CR & 02-21-00003-CR, 2022 WL 5240472, at *1 (Tex. App.—Fort Worth Oct. 6, 2022, pet. granted)

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