

## Juvenile Law Case Summaries

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### ***Revocation of probation for technical violations only upheld [In re J.L.S.] (02-2-19).***

On May 8, 2002, the San Antonio Court of Appeals held that revocation of probation and commitment to the Texas Youth Commission was justified for technical violations of failure to report and failure fully to perform required community service hours.

02-2-19. In the Matter of J.L.S., UNPUBLISHED, No. 04-01-00363-CV, 2002 WL 873423, 2002 Tex.App.Lexis \_\_\_\_ (Tex.App.-San Antonio 5/8/02) [Texas Juvenile Law (5th Edition 2000)].

Facts: J.L.S. appeals the trial court's order modifying his disposition and committing him to the Texas Youth Commission ("TYC"). In his sole point of error, J.L.S. contends that the evidence is factually insufficient to justify his commitment to TYC. J.L.S. argues that because his probation violations "were of a technical nature only," commitment to TYC was not an appropriate disposition.

Held: Affirmed.

Opinion Text: A trial court may modify a juvenile's disposition if the court, after a hearing to modify disposition, finds by a preponderance of the evidence that the child violated a reasonable and lawful order of the court. Tex. Fam.Code Ann. § 54.05(f) (Vernon Supp.2001); In re H.G., 993 S.W.2d 211, 213 (Tex.App.-San Antonio 1999, no pet.). A juvenile court judge has broad discretion to determine a suitable disposition of a child found to have engaged in delinquent conduct, and this is especially true in hearings to modify disposition. In re D.R.A., 47 S.W.3d 813, 815 (Tex.App.-Fort Worth 2001, no pet.); In re M.A.L., 995 S.W.2d 322, 324 (Tex.App.-Waco 1999, no pet.). In reviewing a trial court's modification of a juvenile's disposition on appeal, the controlling issue is whether the evidence is sufficient to support the trial court's finding, by a preponderance of the evidence, that the juvenile violated a condition of probation. In re D.R.A., 47 S.W. 3d at 815; In re M.A.L., 995 S.W.2d at 324; see also In re H.G., 993 S.W.2d at 214.

In this case, the trial court found that J.L.S. violated two conditions of his probation by failing to report to his probation officer and failing to perform his required community service. At the hearing, the probation officer testified that J.L.S. had failed to report on two dates and had only completed 16 of his 50 hours of community service. The probation officer's uncontroverted testimony is sufficient evidence to support the trial court's finding that J.L.S. violated a reasonable and lawful order of the court by violating his probation conditions. Accordingly, the trial court did not abuse its discretion in committing J.L.S. to TYC.

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