

Affirmed and Opinion filed February 10, 2000.



In The

Fourteenth Court of Appeals

NO. 14-98-00575-CR

STUART WILLIAM RUBY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 726,403**

OPINION

Stuart William Ruby, appellant, was found guilty of felony theft and sentenced to two years imprisonment, probated for five years, and a \$500.00 fine. *See* TEX. PEN. CODE ANN. § 31.03(4). The State filed a motion to revoke probation based on Ruby's failure to report to his probation officer. The trial court found the allegations in the motion to be true, revoked Ruby's probation and assessed his punishment at 180 days in the State Jail Division of the Texas Department of Criminal Justice.

Ruby appeals the order revoking his probation in two points of error: (1) the trial judge had no authority to revoke probation and (2) the trial judge abused its discretion by revoking his probation. We affirm the trial court's judgment.

The Honorable Carl Walker, Jr. was authorized by the presiding judge to preside in the 230th Judicial District Court from May 8 to May 15, 1998. Ruby argues the trial judge had no authority to consider the motion to revoke because Judge Walker signed the order to revoke on May 15th. We disagree. Judge Walker had authority to sign the motion to revoke on May 15th, the last day of his assignment. *See* TEX. GOV'T CODE ANN. § 311.014(a) ("In computing a period of days, the first day is excluded and the last day is included."); *Williams v. State*, 965 S.W.2d 506, 507-08 (Tex. Crim. App. 1998). Thus, the trial judge was not acting outside his authority in signing an order to revoke Ruby's probation.

Accordingly, Ruby's first point of error is overruled.

In his second point of error, Ruby argues the trial court abused its discretion by revoking his probation because of a conflict between the terms of his probation: He was ordered to work continuously, which the court allegedly knew forced appellant out of the state to perform, and report to a probation officer in Houston, Texas. We disagree. Ruby entered a plea of true to the allegations in the State's motion to revoke probation. A plea of true is sufficient to support the revocation of probation. *See Moses v. State*, 590 S.W.2d 469, 470 (Tex. Crim. App. 1979); *Hays v. State*, 933 S.W.2d 659, 661 (Tex. App.—San Antonio 1996, no pet.); *Deal v. State*, 640 S.W.2d 664 (Tex. App.—Houston [14th Dist.] 1982, no pet.) Thus, the trial court did not abuse its discretion by revoking Ruby's probation.

Accordingly, Ruby's second point of error is overruled.

Having overruled all of Ruby's points of error, we affirm the trial court's judgment.

Sam Robertson
Justice

Judgment rendered and Opinion filed February 10, 2000.

Panel consists of Justices Robertson, Sears, and Cannon*.

Do Not Publish — TEX. R. APP. P. 47.3(b).

* Senior Justices Sam Robertson, Ross A. Sears, and Bill Cannon sitting by assignment.