ROMUScontform/Praem-2013-Resuelta Tags

.edu/gandalf/2013-second-screen. page 1. Post date: · Author: · · Body: · Supplies: · On Arch Linux or other distro. 6: 2006-2014 . [Praem 2013 Resuelta] - OggVorbis 0.9.28 - 2.2 Mbit/s . 111 S.W.3d 38 (2003) Lamar DURHAM, Appellant, v. The STATE of Texas. No. 2005-98-0412-CR. Court of Appeals of Texas, Dallas. April 24, 2003. *39 Regina L. Bowens, Dallas, for Appellant. Jeffrey S. Lasker, Dallas, for Appellee. Before Justices FITZGERALD, JAMES, and O'NEILL. OPINION O'NEILL, Justice. Lamar Durham appeals his conviction of aggravated sexual assault of a child under the age of fourteen. In his sole point of error, Durham contends the trial court erred in failing to order a presentence report. Because we hold the trial court did not err, we affirm the trial court's judgment. In September 2001, Durham pled guilty to the offense of aggravated sexual assault of a child, a first degree felony. At the sentencing hearing, Durham admitted the allegations contained in the State's motion to adjudicate. The trial court placed Durham on ten years' deferred adjudication. The parties also stipulated that a presentence investigation be conducted and that the court consider this report for purposes of sentencing. In January 2002, the State filed a motion to proceed to final adjudication, which alleged as grounds for adjudication that Durham violated certain terms and conditions of his community supervision. After a hearing, the trial court adjudicated Durham guilty and sentenced him to forty years in prison. Durham filed a motion to recuse the judge, which the trial court denied. The trial court also denied Durham's motion for a new trial and a hearing on the motion for new trial. Durham asserts that the trial court erred in not ordering a presentence report before sentencing. Article 42.12 § 9(a), Tex.Code Crim. Proc. Ann., provides, in pertinent part: At any time during the period of community supervision or subsequent *40 revocation thereof, the judge may request a presentence investigation and a social and criminal

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