

Affirmed and Opinion filed November 4, 1999.



In The

Fourteenth Court of Appeals

NO. 14-97-01435-CR

GEORGE WASHINGTON HUDSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 338th District Court
Harris County, Texas
Trial Court Cause No. 703,129**

OPINION

Appellant, George Washington Hudson, appeals from an order revoking community supervision, and raises one point of error alleging improper notice to his mother in his juvenile certification hearing. As the alleged impropriety he raises actually occurred in a *different* criminal action than the one before us, we affirm.

Two separate criminal offenses, certification hearings, and transfers are discussed by appellant in this appeal, which requires us to set out the procedural facts in some detail. Appellant's first offense was for aggravated robbery, which occurred when he was 15 years old. A certification hearing was held on September 11, 1995, which resulted in the juvenile court certifying appellant as an adult and transferring the aggravated robbery case to the 338th criminal district court, under cause number 703,129. Appellant was subsequently found guilty of the aggravated robbery offense by a jury and placed on community supervision.

A year or so later, when appellant was 16 years old, he was charged with the second offense, which was for aggravated assault. Following the second certification hearing, which was held on March 20, 1997, the juvenile court again waived jurisdiction and transferred the case to the 338th criminal district court. The State filed a motion and amended motions to revoke community supervision based on the second criminal offense as well as technical violations of the probation terms. As required by law, these motions were properly filed under cause number 703,129, the aggravated robbery cause number. The district court heard the State's motion to revoke community supervision, found that appellant had violated the terms of his community supervision, and revoked his community supervision on December 19, 1997, sentencing appellant to ten years incarceration for the original aggravated robbery offense.

By his sole point of error, appellant alleges that the juvenile court was without jurisdiction to transfer the aggravated assault case, as his mother had not been served with notice of the hearing. Due to this lack of jurisdiction, he argues, the 338th district court was without jurisdiction to then revoke his probation.

Appellant's argument is groundless, as shown by the procedural facts surrounding these two criminal cases. His "improper notice" argument arises from the certification hearing on the *second* criminal offense, while the motion to revoke hearing occurred in the *first* criminal action. The existence of the second offense was alleged as one of several violations in the motion to revoke community supervision.¹ The certification hearing for the second offense is not germane to the motion to revoke filed in the first case, and is not part of the proceedings in this appeal, which is an appeal from the first case.

¹ The court's actual order revoking community supervision, however, referenced finding only technical violations as grounds for revocation.

The only certification and transfer proceeding that is applicable to this appeal is that which was heard on September 11, 1995. No point of error has been raised from that hearing, and no error is shown. We do note that the certification order from the first offense clearly reflects that both appellant and his mother were properly served and were present for the hearing.

Appellant's point of error is overruled, and the judgment below is affirmed.

/s/ Bill Cannon
Justice

Judgment rendered and Opinion filed November 4, 1999.

Panel consists of Justices Sears, Draughn and Cannon.*

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

* Senior Justices Ross A. Sears, Joe L. Draughn and Bill Cannon, sitting by assignment.