

Dismiss and Opinion Filed May 16, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-14-00239-CR

**DEMARCUS ROSS, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 291st Judicial District Court
Dallas County, Texas
Trial Court Cause No. F10-99718-U**

MEMORANDUM OPINION

Before Justices Lang, Myers, and Brown
Opinion by Justice Myers

Pursuant to section 54.051 of the Texas Family Code, on June 17, 2010, a juvenile court transferred Demarcus Ross to district court to complete the remainder of his eight-year term of community supervision for aggravated sexual assault of a child. Over the next three-and-a-half years, the State filed several motions to revoke appellant's community supervision and adjudicate guilt, which were either withdrawn or denied, and appellant's conditions of supervision were modified. On February 20, 2014, the trial court granted the State's January 22, 2014 motion to revoke and adjudicate guilt and sentenced appellant to eight years' imprisonment. Appellant filed a motion for new trial and a notice of appeal. The trial court granted appellant's motion for new trial and on March 5, 2014 denied the motion to revoke and modified the conditions of appellant's community supervision. Appellant's attorney has filed a

letter brief asserting that this Court no longer has jurisdiction over the appeal. We agree with appellant.

The granting of the motion for new trial restored this case to its position before the revocation proceedings. *See* TEX. R. APP. P. 291.9(b). After the new trial was granted, the trial court denied the State's motion to revoke and modified the conditions of community supervision. An order modifying the conditions of supervision is not an appealable order. *See Balsaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977).

We dismiss the appeal for want of jurisdiction.

/Lana Myers/

LANA MYERS
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

DEMARCUS ROSS, Appellant

No. 05-14-00239-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial District
Court, Dallas County, Texas

Trial Court Cause No. F10-99718-U.

Opinion delivered by Justice Myers,
Justices Lang and Brown participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 16th day of May, 2014.

/Lana Myers/

LANA MYERS
JUSTICE