

AFFIRM; and Opinion Filed November 30, 2015.



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

**No. 05-15-00478-CR
No. 05-15-00479-CR**

ELLWOOD CHRISTOPHER WEBB, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 2
Dallas County, Texas
Trial Court Cause Nos. F12-34452-I, F12-34453-I**

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Lang and Brown
Opinion by Justice Brown

Ellwood Christopher Webb appeals his convictions, following the adjudication of his guilt, for two offenses of assault involving family violence. In two issues, appellant contends the trial court improperly admonished him as to the punishment range and the evidence was insufficient to support his guilty plea. We affirm the trial court's judgments.

In cause no. 05-15-00478-CR, appellant was charged by indictment with assault involving family violence by impeding the breath, having a prior conviction for assault involving family violence. *See* TEX. PENAL CODE ANN. § 22.01(a)(3), (b-1) (West Supp. 2015); TEX. FAM. CODE ANN. §§ 71.0021, 71.005 (West 2014 & Supp. 2015) In cause no. 05-15-00479-CR,

appellant was charged by indictment with assault causing bodily injury involving family violence, having a prior conviction for assault involving family violence. *See* TEX. PENAL CODE ANN. § 22.01(a)(1), (b)(2); TEX. FAM. CODE ANN. §§ 71.0021, 71.005. Appellant waived a jury and pleaded guilty to the offenses as alleged. He also pleaded true to one enhancement paragraph in each case. Pursuant to plea agreements in each case, the trial court deferred adjudicating guilt, placed appellant on five years' community supervision, and assessed a \$2,500 fine. The State later moved to adjudicate guilt, alleging appellant violated three conditions of his community supervision. Appellant pleaded not true to the allegations in a hearing on the motions. The trial court found one of the allegations true, adjudicated appellant guilty, and sentenced him to ten years' imprisonment in each case.

In cause no. 05-15-00478-CR, appellant contends he was incorrectly admonished on the punishment range for a second-degree felony offense because, with the enhancement paragraph, he was subject to punishment under the range for a first-degree felony offense. In cause no. 05-15-00479-CR, appellant asserts the evidence was insufficient under article 1.15 of the Texas Code of Criminal Procedure to support his original guilty plea because the State failed to prove an element of the offense charged, namely that the conviction recited in the first enhancement allegation in the indictment was correctly stated. The State responded that this Court has no jurisdiction to consider appellant's complaints and that the complaints are without merit.

A defendant placed on deferred adjudication community supervision may raise issues relating to the original plea proceeding only in appeals taken when deferred adjudication community supervision is first imposed. *Manuel v. State*, 994 S.W.2d 658, 661–62 (Tex. Crim. App. 1999). Appellant cannot wait until he is adjudicated to bring this issue. *See Clark v. State*,

997 S.W.2d 365, 368–69 (Tex. App.—Dallas 1999, no pet.). Thus, it is too late for appellant to raise any complaint about the admonishments or lack thereof at his original plea hearing.

Further, appellant’s signed judicial confession that included the enhancement allegation was admitted into evidence without objection. A judicial confession acknowledging guilt of the indictment’s allegations is sufficient to meet the requirements of Article 1.15. *See Dinnery v. State*, 592 S.W.2d 343, 353 (Tex. Crim. App. [Panel Op.] 1979). We overrule appellant’s issues.

We affirm the trial court’s judgments.

/Ada Brown/

ADA BROWN
JUSTICE

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TEX. R. APP. P. 47

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Fifth District of Texas at Dallas**

JUDGMENT

ELLWOOD CHRISTOPHER WEBB,
Appellant

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F12-34452-I).

Opinion delivered by Justice Brown, Chief
Justice Wright and Justice Lang
participating.

Based on the Court's opinion of this date, the trial court's judgment is **AFFIRMED**.

Judgment entered November 30, 2015.



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