

DISMISS and Opinion Filed October 10, 2019



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

No. 05-19-01091-CR

**JAMES MICHAEL MOORE, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 5
Dallas County, Texas
Trial Court Cause No. F18-25974-L**

MEMORANDUM OPINION

Before Justices Myers, Osborne, and Nowell
Opinion by Justice Osborne

On September 9, 2019, James Michael Moore's notice of appeal was filed in this Court. After reviewing the notice of appeal and the accompanying documents, we notified the parties we had questions regarding our jurisdiction and requested a response, which appellant filed on September 17, 2019.

The clerk's record shows that on February 14, 2019, appellant pleaded guilty to possession of less than one gram of heroin in exchange for the State's recommendation he be given deferred adjudication for three years. The trial court followed the plea bargain, placed appellant on deferred adjudication for three years, and certified appellant had no right to appeal.

Several months later, the State filed a motion to proceed with an adjudication of guilt. On August 27, 2019, the trial court denied the State’s motion but modified the terms of appellant’s conditions of community supervision. Appellant then filed his notice of appeal.

Orders modifying conditions of community supervision are not appealable orders. *Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977); *see Davis v. State*, 195 S.W.3d 708, 710 (Tex. Crim. App. 2006) (legislature has authorized appeal in two instances: one from order granting probation and one from order revoking probation; “There is no legislative authority for entertaining a direct appeal from an order modifying the conditions of community supervision.”). Without an appealable order, this Court has no jurisdiction to entertain an appeal. *Abbott v. State*, 271 S.W.3d 694, 697 (Tex. Crim. App. 2008). Appellant conceded this in his September 17, 2019 response to our jurisdictional inquiry.

We dismiss this appeal.

/Leslie Osborne/
LESLIE OSBORNE
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

JAMES MICHAEL MOORE, Appellant

No. 05-19-01091-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court

No. 5, Dallas County, Texas

Trial Court Cause No. F18-25974-L.

Opinion delivered by Justice Osborne,

Justices Myers and Nowell participating.

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

Judgment entered October 10, 2019