

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00049-CR

Manuel **SCHAFER**, Jr.,
Appellant

v.

The **STATE** of Texas,
Appellee

From the County Court at Law No. 7, Bexar County, Texas
Trial Court No. 205672
Honorable Monica E. Guerrero, Judge Presiding

PER CURIAM

Sitting: Alma L. López, Chief Justice
Catherine Stone, Justice
Karen Angelini, Justice

Delivered and Filed: June 25, 2008

DISMISSED FOR LACK OF JURISDICTION

Appellant was placed on deferred adjudication community supervision on March 14, 2007. On May 7, 2007, the trial court extended the term of appellant's community supervision. On January 24, 2008, appellant filed a motion for leave to file a late notice of appeal.

Modification of probation is not appealable at the time of modification. *See Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977). Moreover, the clerk's record filed in this appeal

contains no indication that appellant filed a timely notice of appeal with the trial court. In order for this court to have jurisdiction, a notice of appeal must be filed in the trial court within fifteen days after the deadline for filing the notice of appeal and a motion for extension of time must be timely filed in this court. *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996).

On May 28, 2008, we ordered appellant to show cause in writing why this appeal should not be dismissed for want of jurisdiction. Appellant did not respond to our order. This appeal is dismissed for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH