



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00416-CR

Shelby David **ALVAREZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 437th Judicial District Court, Bexar County, Texas
Trial Court No. 2010CR8598
Honorable Ernie Glenn, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: July 31, 2013

DISMISSED FOR LACK OF JURISDICTION

On August 7, 2012, Shelby David Alvarez was placed on deferred adjudication community supervision in accordance with his plea-bargain agreement. On May 23, 2013, the terms of his conditions of community supervision were amended. Alvarez has now filed a notice of appeal with respect to this May 23, 2013, order. However, modification of the “terms of deferred adjudication, like appeals from the modification of terms of probation, are not authorized by the legislature.” *Quaglia v. State*, 906 S.W.2d 112, 113 (Tex. App.—San Antonio 1995, no pet.). “If anything, the decision to modify the appellant’s deferred adjudication instead of proceeding with adjudication

was part of the decision whether to proceed with an adjudication of guilt, for which appeal is expressly forbidden.” *Id.* Thus, it appears that we have no jurisdiction over this appeal.

We therefore ordered Alvarez to show cause why this appeal should not be dismissed for lack of jurisdiction. His lawyer has filed a written response agreeing that we lack jurisdiction over this appeal. This appeal is therefore dismissed for lack of jurisdiction.

PER CURIAM

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