



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00527-CR

Elizabeth Anne **HERBST**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 187th Judicial District Court, Bexar County, Texas
Trial Court No. 2018CR10291W
Honorable Stephanie R. Boyd, Judge Presiding

PER CURIAM

Sitting: Irene Rios, Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: September 18, 2019

DISMISSED FOR LACK OF JURISDICTION

On October 2, 2018, appellant was placed on deferred adjudication community supervision in accordance with a plea-bargain agreement. On July 9, 2019, the trial court held a hearing on the State's first amended motion to adjudicate guilt and revoke appellant's community supervision. The trial court denied the State's motion and modified the conditions of appellant's deferred adjudication community supervision. On July 25, 2019, appellant filed a notice of appeal, seeking to appeal the trial court's order modifying the conditions of her deferred adjudication community supervision.

“[A]ppeals from the modification of 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.); see *Davis v. State*, 195 S.W.3d 708, 711 (Tex. Crim. App. 2006) (noting “an order modifying the terms or conditions of deferred adjudication is not in itself appealable.”). Because it appeared that we lacked jurisdiction over this appeal, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant’s counsel filed a response acknowledging that this court lacks jurisdiction over this appeal. Accordingly, this appeal is dismissed for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH