

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-07-523 CR**

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**ANGELA WEAVER, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court  
Jefferson County, Texas  
Trial Cause No. 94228**

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**MEMORANDUM OPINION**

Pursuant to a plea bargain agreement, appellant Angela Weaver pled guilty to tampering with a governmental record. *See* TEX. PEN. CODE ANN. § 37.10(a)(2) (Vernon Supp. 2007).<sup>1</sup> The trial court found the evidence sufficient to find Weaver guilty, but deferred further proceedings, placed Weaver on community supervision for four years, and

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<sup>1</sup> Although the Legislature has amended this section since the date of Weaver's offense, the amendments do not change the elements of Weaver's offense or the range of punishment for her crime. Therefore, we cite the current version.

assessed a fine of \$500. The State subsequently filed a motion to revoke Weaver's unadjudicated community supervision. Weaver pled "true" to five violations of the conditions of her community supervision. The trial court found that Weaver violated the conditions of her community supervision, found Weaver guilty of tampering with a governmental record, and assessed punishment at eighteen years of confinement. Weaver then filed this appeal, in which she raises one issue for our consideration. We affirm.

In her sole issue on appeal, Weaver asserts that the trial court's written plea admonishments incorrectly advised her regarding the punishment range, which rendered her guilty plea involuntary and affected her substantial rights. The trial court's written plea admonishments advised Weaver that the charge to which she pled guilty was a state jail felony that carried a punishment range of six months to two years of confinement in a state jail facility. In Weaver's case, tampering with a governmental record was a second-degree felony that carried a punishment range of two to twenty years of confinement. *See* TEX. PEN. CODE ANN. § 37.10(c)(2); *see also id.* § 12.33(a) (Vernon 2003).

Weaver acknowledges in her brief that she did not appeal the trial court's decision when the trial court placed her on deferred adjudication community supervision. A defendant placed on deferred adjudication community supervision may raise issues relating to the original plea proceeding only in an appeal taken when the trial court first imposed deferred adjudication community supervision. *Manuel v. State*, 994 S.W.2d 658, 661-62

(Tex. Crim. App. 1999). Weaver's complaint arises from her conviction and punishment, not the revocation of her community supervision. Therefore, she had to appeal within thirty days of May 23, 2005, which was the date on which the trial court placed her on community supervision. *See* TEX. R. APP. P. 26.2(a)(1) (When no motion for new trial is filed, a defendant must appeal within thirty days after sentence is imposed or suspended.). Weaver did not timely appeal the trial court's order placing her on deferred adjudication community supervision; therefore, she may not raise an issue in this appeal regarding the sufficiency of the trial court's admonishments during the original plea proceeding or the voluntariness of her guilty plea. *See id.* Accordingly, we affirm the trial court's judgment.

AFFIRMED.

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STEVE McKEITHEN  
Chief Justice

Submitted on April 22, 2008  
Opinion Delivered May 7, 2008  
Do Not Publish  
Before McKeithen, C.J., Kreger and Horton, JJ.