

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00456-CR

RANDY QUOC NGHIEM, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 90943**

MEMORANDUM OPINION

On November 25, 2009, we notified the parties that our jurisdiction was not apparent from the notice of appeal, and that the appeal would be dismissed for want of jurisdiction unless we received a response showing grounds for continuing the appeal. No response has been filed.

The notice of appeal seeks to appeal the trial court's order continuing and modifying Nghiem's community supervision and imposing additional conditions. The trial court's order

is not appealable. *See Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977) (Appellate court lacks jurisdiction on direct appeal from an order modifying the terms and conditions of probation.); *see also Christopher v. State*, 7 S.W.3d 224, 225 (Tex. App.--Houston [1st Dist.] 1999, pet. ref'd). Accordingly, we dismiss the appeal for want of jurisdiction.

APPEAL DISMISSED.

DAVID GAULTNEY
Justice

Opinion Delivered January 20, 2010
Do Not Publish

Before McKeithen, C.J., Gaultney and Horton, JJ.