

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00068-CR

STASIA MANNING a/k/a STASIA LYNN MANNING, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 08-02829

MEMORANDUM OPINION

After reaching a plea bargain agreement with the State, Stasia Manning a/k/a Stasia Lynn Manning pled guilty to felony theft. *See* TEX. PEN. CODE ANN. § 31.03 (Vernon Supp. 2009). The trial court found the evidence sufficient to find Manning guilty, but deferred further proceedings, placed Manning on community supervision for three years, ordered Manning to pay restitution in the amount of \$340, and assessed a \$500 fine. The State subsequently filed its first motion to revoke Manning's unadjudicated community supervision. Manning pled "true" to three violations of the conditions of her community supervision. The trial court found the evidence sufficient to

support the State's motion to revoke but decided to hold its findings on the motion in abeyance for a year and continue Manning's community supervision, subject to certain amendments to her community supervision. Less than a year later, the State filed its second motion to revoke Manning's unadjudicated community supervision. Manning pled "true" to seven violations of the conditions of her community supervision. The trial court, considering both the State's current motion to revoke and its motion to revoke that was held in abeyance, found that Manning violated the conditions of her community supervision, found Manning guilty of felony theft, and assessed her punishment at fifteen months confinement.

In a single issue, Manning appeals and complains that she "has been denied a complete record on appeal" because the reporter's record does not include a transcript from her original plea proceeding after which she was placed on deferred adjudication community supervision. Manning's counsel argues that without the reporter's record from her original plea, Manning cannot receive a "meaningful review of her case" because her counsel is "unable to determine whether or not the trial court pre-determined the sentence at the time of entry of the original plea, or made other such comments that would render the ultimate sentence insupportable."

A defendant placed on deferred adjudication community supervision may raise issues relating to the original plea proceeding only in an appeal timely filed after the imposition of the deferred adjudication community supervision. *See Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999). Manning did not timely appeal the trial

court's order placing her on deferred adjudication community supervision. In a case that concerned a lost reporter's record, the Texas Court of Criminal Appeals held that "[p]ursuant to *Manuel*, the reporter's record from the original deferred adjudication proceeding is not necessary to this appeal's resolution since appellant cannot now appeal any issues relating to the original deferred adjudication proceeding." *Daniels v. State*, 30 S.W.3d 407, 408 (Tex. Crim. App. 2000).

Likewise, the reporter's record of Manning's original plea proceeding is unnecessary to the resolution of her appeal. Manning's complaints regarding any issues related to her original plea proceedings were required to be appealed after the trial court imposed community supervision. *See Manuel*, 994 S.W.2d at 661-62. Consequently, the reporter's record from that proceeding is "not necessary to this appeal's resolution." *See Daniels*, 30 S.W.3d at 408; *see also* TEX. R. APP. P. 34.6(f)(3) (providing an appellant with a new trial when a reporter's record is lost or destroyed if the portion of the record lost or destroyed is "necessary to the appeal's resolution"). We overrule Manning's sole issue and affirm the trial court's judgment.

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on September 15, 2010
Opinion Delivered October 6, 2010
Do Not Publish

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