



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-17-00143-CR

CREYA NYREE JONES

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 3 OF TARRANT COUNTY
TRIAL COURT NO. 1447226D

MEMORANDUM OPINION¹

On May 20, 2016, Appellant Creya Nyree Jones pleaded guilty to forgery by possession of a check with intent to pass in exchange for a \$300 fine and three years of deferred adjudication community supervision, and she, her counsel, and the trial court signed the certification of her right to appeal that stated that her case “is a plea-bargain case, and the defendant has NO right of

¹See Tex. R. App. P. 47.4.

appeal.” On March 24, 2017, the trial court signed a supplement to Appellant’s conditions of community supervision, which provided as follows:

1. The defendant shall serve a term of confinement and treatment in a State of Texas Contracted Intermediate Sanction Facility for a period of not less than 45 days or more than 120 days and the defendant shall [c]ooperate with and complete all intermediate sanction facility program requirements and abide with all rules and regulations of said facility. It is the Court’s Order that said defendant may be released in [the] manner and on a date determined jointly by the intermediate sanction facility director and . . . the Director of the Community Supervision and Corrections Department or their designees. Upon release the defendant is required to report to Tarrant County Community Supervision and Corrections Department [within] 24 hours or [the] next business day.
2. Attend and successfully complete ISF aftercare as directed by the court or supervision officer.
3. Remain in Tarrant County Jail to await placement.

On May 4, 2017, Appellant filed a notice of appeal in this court to complain about the trial court’s judgment in her case. A few days later, we notified Appellant of our concern that we lacked jurisdiction over the appeal because her notice of appeal of the May 20, 2016 judgment was not timely filed and because the trial court’s certification of her right to appeal indicated that her case was a plea-bargain and that she had no right of appeal. See Tex. R. App. P. 25.2(a)(2), 26.2(a). We informed Appellant that unless she or any party desiring to continue the appeal filed with the court a response showing grounds for continuing the appeal, the appeal would be dismissed. See Tex. R. App. P. 25.2(d), 44.3.

Appellant filed a response, but it does not show grounds for continuing the appeal.² Therefore, we dismiss the appeal. See Tex. R. App. P. 25.2(d), 43.2(f).

/s/ Bonnie Sudderth
BONNIE SUDDERTH
JUSTICE

PANEL: SUDDERTH, KERR, and PITTMAN, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: July 6, 2017

²In her response, Appellant complains about her conditions of confinement in the Intermediate Sanction Facility, particularly the lack of suitable medical care for her high blood pressure, arthritis, degenerative disks in her back and neck, and nerve problems, which would have been treated off-site at John Peter Smith hospital if she had not been transferred from the Tarrant County Jail to the Intermediate Sanction Facility pursuant to the supplement to her conditions of community supervision. *But see Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977) (concluding that there is no jurisdiction for a direct appeal from an order altering, modifying, or refusing to alter or modify probationary conditions but noting that the facts raised a proper habeas corpus issue), *Davis v. State*, 195 S.W.3d 708, 710–12 (Tex. Crim. App. 2006) (applying *Basaldua* to the deferred adjudication context), and *Howard v. State*, No. 02-15-00428-CR, 2016 WL 828283, at *1 (Tex. App.—Fort Worth Mar. 3, 2016, no pet.) (mem. op., not designated for publication) (“[A]n order modifying the terms of deferred adjudication community supervision is not subject to a direct appeal to this court at the time it is rendered.”). We make no comment about whether a petition for writ of habeas corpus might be applicable under the circumstances presented here. See *generally* Tex. Code Crim. Proc. Ann. arts. 11.01–.05, 11.072 (West 2015).