

**DISMISS; and Opinion Filed August 3, 2016.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-16-00035-CR**

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**ALLEN CLAUDE EDWARDS, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the 291st Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F15-53085-U**

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**MEMORANDUM OPINION**

Before Justices Francis, Fillmore, and Schenck  
Opinion by Justice Schenck

Allen Claude Edwards appeals his conviction for aggravated assault with a deadly weapon. In a single issue, appellant contends the evidence is insufficient to support the trial court's affirmative finding of a deadly weapon. We dismiss the appeal.

Appellant waived a jury and pleaded guilty to aggravated assault with a deadly weapon, a knife, and involving family violence. *See* TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2011); TEX. FAM. CODE ANN. §§ 71.0021, 71.005 (West 2014 & Supp. 2015). Pursuant to a plea agreement, the trial court deferred adjudicating guilt, placed appellant on five years' community supervision, and assessed a \$2,000 fine. The trial court also made affirmative deadly weapon and family violence findings.

The State later moved to adjudicate guilt, alleging appellant violated the conditions of his community supervision, including having contact with the complainant. During a hearing on the

motion, appellant pleaded true to all of the allegations. The trial court found the allegations true and adjudicated appellant guilty of aggravated assault with a deadly weapon and involving family violence. The trial court sentenced appellant to four years' imprisonment.

Appellant contends the trial court abused its discretion by entering an affirmative deadly weapon finding in the judgment because the complainant suffered no injuries that could be associated with the knife. Appellant argues there was no evidence presented on the properties of the knife or its capacity to cause bodily injury, serious bodily injury, or death. The State responds that the evidence was sufficient to support the trial court's affirmative finding of a deadly weapon.

A defendant placed on deferred adjudication community supervision may raise issues relating to the original plea proceeding only in appeals taken when deferred adjudication community supervision is first imposed. *Manuel v. State*, 994 S.W.2d 658, 661–62 (Tex. Crim. App. 1999). Appellant cannot wait until he is adjudicated to bring this issue. *See Clark v. State*, 997 S.W.2d 365, 368–69 (Tex. App.—Dallas 1999, no pet.). Because it is too late for appellant to raise any complaint about the deadly weapon finding, we lack jurisdiction over the appeal.

Accordingly, we dismiss the appeal for want of jurisdiction.

/David J. Schenck/  
DAVID J. SCHENCK  
JUSTICE

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TEX. R. APP. P. 47

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

ALLEN CLAUDE EDWARDS, Appellant

No. 05-16-00035-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial District  
Court, Dallas County, Texas

Trial Court Cause No. F15-53085-U.

Opinion delivered by Justice Schenck.

Justices Francis and Fillmore participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 3rd day of August, 2016.