

**Dismissed and Opinion Filed January 19, 2017**



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

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**No. 05-16-01148-CR**

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**ISSA MOHAMMED BANNA, 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. F15-23878-U**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Myers, and Justice Brown  
Opinion by Chief Justice Wright

Issa Mohammed Banna entered an open plea of guilty to possession of one gram or more but less than four grams of methamphetamine and, on November 16, 2015, the trial court placed him on deferred adjudication for three years. He was subsequently arrested and charged with harassment of a public servant in appellate cause number 05-16-01149-CR (trial court cause number F16-24054-U). On September 6, 2016, he pleaded guilty to the harassment charge; the trial court placed him on deferred adjudication for three years and assessed a fine of \$1500. That same day, the trial court modified the conditions of appellant's probation in his possession case to include participating in the Substance Abuse Felony Punishment Facility (SAFPF) for a term of not less than 90 days but not more than twelve months. Appellant filed appeals in both cases.

For the reasons that follow, we conclude we have no jurisdiction over the appeal of his possession of methamphetamine case.

As a general rule, an appellate court may consider appeals by criminal defendants only after conviction. *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.). With regard to deferred adjudication, the Legislature has authorized appeal of only two types of orders: (1) an order granting deferred adjudication, and (2) an order imposing punishment pursuant to an adjudication of guilt. *Davis v. State*, 195 S.W.3d 708, 711 (Tex. Crim. App. 2006). Orders modifying the terms or conditions of deferred adjudication are not in themselves appealable. *Id.*

Here, there is no judgment of conviction. Rather, the trial court modified appellant's conditions of probation by including SAFPF. Under these circumstances, we do not have jurisdiction. *See id.*

We dismiss this appeal for lack of jurisdiction.

/CarolynWright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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TEX. R. APP. P. 47.2(b)

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

**JUDGMENT**

ISSA MOHAMMED BANNA, Appellant

No. 05-16-01148-CR      V.

THE STATE OF TEXAS, Appellee

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

Trial Court Cause No. F15-23878-U.

Opinion delivered by Chief Justice Wright,  
Justices Myers and Brown participating.

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

Judgment entered January 19, 2017.