

Dismissed and Opinion Filed June 6, 2018



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

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No. 05-18-00561-CR

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**BRANDIN NICOLE VAUGHN, 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. F16-23285-U**

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**MEMORANDUM OPINION**

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

Brandin Nicole Vaughn pleaded guilty to possession of a controlled substance and, on September 26, 2016, the trial court placed her on deferred adjudication for five years. In March 2018, the State filed a motion to proceed with an adjudication of guilt, alleging appellant had violated numerous terms and conditions of her probation. On April 26, 2018, the trial court modified certain conditions of her probation, extended the terms of her deferred adjudication by one year, and continued appellant on deferred adjudication. Appellant then filed this appeal. For the reasons that follow, we conclude we have no jurisdiction over the appeal.

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 Texas Legislature has authorized appeal of only two types of

orders: (1) an order granting deferred adjudication, and (2) an order imposing punishment accompanying 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 continued appellant on deferred adjudication. Under these circumstances, we do not have jurisdiction. *See id.*

We dismiss this appeal for lack of jurisdiction.

/Molly Francis/  
MOLLY FRANCIS  
JUSTICE

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TEX. R. APP. P. 47.2(b)  
180561F.U05



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

**JUDGMENT**

BRANDIN NICOLE VAUGHN, Appellant

No. 05-18-00561-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. F16-23285-U.  
Opinion delivered by Justice Francis,  
Justices Fillmore and Whitehill  
participating.

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

Judgment entered June 6, 2018.