

Dismissed; Opinion Filed December 20, 2019



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01314-CR

TERRY CLARK JONES, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F19-11793-T

MEMORANDUM OPINION

Before Justices Myers, Schenck, and Carlyle
Opinion by Justice Carlyle

On August 23, 2019, Terry Clark Jones entered a guilty plea to possession of less than one gram of methamphetamine. The trial court placed him on deferred adjudication for three years and assessed a \$1500 probated fine. The State filed a motion to proceed with an adjudication of guilt, alleging appellant had violated numerous terms and conditions of his probation. On October 21, 2019, the trial court continued appellant on probation. Appellant filed a notice of appeal that same day.

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 or continuing a defendant on deferred adjudication are not in themselves appealable. *Id.*

Here, there is no judgment of conviction. Rather, the trial court continued appellant on probation. We do not have jurisdiction over an order continuing a defendant on community supervision. *See id.* We dismiss this appeal for lack of jurisdiction.

/Cory L. Carlyle/
CORY L. CARLYLE
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

TERRY CLARK JONES, Appellant

No. 05-19-01314-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. F19-11793-T.

Opinion delivered by Justice Carlyle.

Justices Myers and Schenck participating.

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

Judgment entered this 20th day of December, 2019.