

Dismissed and Opinion Filed November 27, 2019.



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

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No. 05-19-01408-CR

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**FREDERICK MITCHELL, Appellant**  
**V.**  
**THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 2**  
**Dallas County, Texas**  
**Trial Court Cause No. F18-56989-I**

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**MEMORANDUM OPINION**

Before Justices Molberg, Reichel, and Evans  
Opinion by Justice Molberg

Frederick Mitchell pleaded guilty to possession of less than one gram of methamphetamine, and the trial court placed him on deferred adjudication for three years. In September 2019, the State filed a motion to proceed with an adjudication of guilt, alleging appellant had violated numerous terms and conditions of his probation. On September 20, 2019, the trial court continued appellant on probation, modifying the terms to include participation in a treatment program. Appellant filed a notice of appeal on October 29, 2019.

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 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.

/Ken Molberg//  
KEN MOLBERG  
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**

FREDERICK MITCHELL, Appellant

No. 05-19-01408-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court

No. 2, Dallas County, Texas

Trial Court Cause No. F18-56989-I.

Opinion delivered by Justice Molberg,

Justices Reichek and Evans participating.

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

Judgment entered this 27<sup>th</sup> day of November, 2019.