

**DISMISS and Opinion Filed September 18, 2020**



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

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**No. 05-20-00742-CR**

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**BRANDON MICHAEL PACKER, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the 283rd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F16-40480-T**

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**MEMORANDUM OPINION**

Before Justices Schenck, Osborne, and Partida-Kipness  
Opinion by Justice Osborne

On July 28, 2017, after Brandon Michael Packer pleaded guilty to possession of less than one gram of heroin, the trial court deferred adjudication of guilt and placed appellant on deferred adjudication probation for two years. The trial court later extended appellant's community supervision until July 27, 2021. On June 4, 2020, the State filed a motion to proceed with adjudication of guilt, alleging appellant violated various conditions of probation. Following a July 13, 2020 hearing, the trial court denied the State's motion and continued appellant on deferred

adjudication probation. Appellant's notice of appeal from that decision was filed in this Court on August 14, 2020.

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.

Do Not Publish  
TEX. R. APP. P. 47.2(b)  
200742F.U05

/Leslie Osborne/  
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LESLIE OSBORNE  
JUSTICE



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

**JUDGMENT**

BRANDON MICHAEL PACKER,  
Appellant

No. 05-20-00742-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F16-40480-T.  
Opinion delivered by Justice  
Osborne. Justices Schenck and  
Partida-Kipness participating.

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

Judgment entered September 18, 2020