

**DISMISS and Opinion Filed September 28, 2020**



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

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**No. 05-20-00771-CR**

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**LUIS ALONSO CABALLERO-MORALES, 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. F14-45493-T**

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**MEMORANDUM OPINION**

**Before Justices Molberg, Carlyle, and Browning  
Opinion by Justice Browning**

On October 29, 2015, after Luis Alonso Caballero-Morales pleaded guilty to possession of less than one gram of cocaine, the trial court deferred adjudication of guilt, placing him on deferred adjudication community supervision for three years. In July 2018, the trial court later extended appellant's community supervision until October 29, 2019. In August 2019, the State filed a motion to proceed with adjudication of guilt, alleging appellant violated various conditions of probation. Following a July 31, 2020 hearing, the trial court denied the State's motion, modified the terms of appellant's community supervision, and continued him on deferred

adjudication probation until October 28, 2022. Appellant’s notice of appeal from that decision was filed on August 11, 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.

/John G. Browning/  
JOHN G. BROWNING  
JUSTICE

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TEX. R. APP. P. 47.2(b)  
200771F.U05



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

**JUDGMENT**

LUIS ALONSO CABALLERO-  
MORALES, Appellant

No. 05-20-00771-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F14-45493-T.  
Opinion delivered by Justice  
Browning. Justices Molberg and  
Carlyle participating.

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

Judgment entered September 28, 2020