

**DISMISS and Opinion Filed September 24, 2020**



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

---

**No. 05-20-00806-CR**

---

**ELIAS RAMIREZ, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

---

**On Appeal from the 283rd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F19-51891-T**

---

**MEMORANDUM OPINION**  
Before Justices Myers, Nowell, and Evans  
Opinion by Justice Evans

On May 7, 2019, after Elias Ramirez pleaded guilty to possession of less than one gram of heroin, the trial court deferred adjudication of guilt, placing him on deferred adjudication community supervision for six months. The trial court later extended appellant's community supervision until May 5, 2021. In July 2020, the State filed a motion to proceed with adjudication of guilt, alleging appellant violated various conditions of probation. Following a August 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 May 5, 2024. Appellant's notice of appeal from that decision was filed on September 2, 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.

/David Evans/  
\_\_\_\_\_  
DAVID EVANS  
JUSTICE

Do Not Publish  
TEX. R. APP. P. 47.2(b)  
200806F.U05



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

**JUDGMENT**

ELIAS RAMIREZ, Appellant

No. 05-20-00806-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F19-51891-T.  
Opinion delivered by Justice Evans.  
Justices Myers and Nowell  
participating.

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

Judgment entered September 24, 2020.