

Dismiss and Opinion Filed August 2, 2022



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-22-00722-CR

BROOKE MCCANN JORDAN, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 380th Judicial District Court
Collin County, Texas
Trial Court Cause No. 380-84889-2019

MEMORANDUM OPINION

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

On December 11, 2020, after Brooke McCann Jordan pleaded guilty to aggravated assault with a deadly weapon, the trial court deferred adjudication of guilt for seven years. On May 6, 2022, the State filed a motion to proceed with an adjudication of guilt, alleging appellant had violated conditions of his probation. On July 7, 2022, the trial court modified the conditions of his community supervision and continued appellant on probation until December 10, 2027. Appellant's notice of appeal, dated July 7, 2022, was filed in this Court on July 26, 2022.

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 regards 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 themselves appealable. *Id.*

Here, there is no judgment of conviction. Rather, the trial court modified the terms and continued appellant on probation. We do not have jurisdiction over an order modifying the terms of community supervision or continuing a defendant on community supervision. *See id.*

We dismiss this appeal for lack of jurisdiction.

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TEX. R. APP. P. 47.2(b)

/Ken Molberg//

KEN MOLBERG
JUSTICE



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

JUDGMENT

BROOKE MCCANN JORDAN,
Appellant

No. 05-22-00722-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 380th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 380-84889-
2019.

Opinion delivered by Justice
Molberg. Justices Reichek and
Garcia participating.

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

Judgment entered this 2nd day of August, 2022.