

Appeal Dismissed and Memorandum Opinion filed July 26, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00488-CR

LEONARD WATKINS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 337th District Court
Harris County, Texas
Trial Court Cause No. 780878**

M E M O R A N D U M O P I N I O N

Appellant was indicted for the offense of possession of more than 4 grams but less than 200 grams of cocaine. On June 16, 1998, he pleaded guilty; the trial court deferred adjudication and placed him on five years' probation. On the State's motion, the trial court adjudicated appellant's guilt and sentenced him to five years' imprisonment. Appellant appealed from the order adjudicating guilt. Lacking jurisdiction to consider an appeal from a decision to adjudicate guilt, this court dismissed the appeal. *See Watkins v. State*, No. 14-98-01125-CR, 2001 WL

276701 (Tex. App.—Houston [14th Dist.] Mar. 22, 2001, no pet.) (not designated for publication).

On May 26, 2016, appellant filed a request for permission to appeal the adjudication of guilt underlying his first appeal. The trial court denied the request.

As in the first appeal, we lack jurisdiction over this second appeal. A defendant on deferred adjudication community supervision may not appeal the trial court's adjudication of guilt. *Hargesheimer v. State*, 182 S.W.3d 906, 909 (Tex. Crim. App. 2006).

Further, the trial court's jurisdiction expired when this case was appealed the first time. *Yarbrough v. State*, 703 S.W.2d 645, 649 (Tex. Crim. App. 1985). A trial court then has only limited jurisdiction to perform functions specified by statute, such as finding facts on an application for writ of habeas corpus. *State v. Patrick*, 86 S.W.3d 592, 594 (Tex. Crim. App. 2002). Without jurisdiction, the trial court had no power to grant appellant's request for permission to appeal. *See id.* at 595.

Accordingly, we **DISMISS** this appeal.

PER CURIAM

Panel consists Justices Busby, Donovan, and Wise.
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