

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-10-00265-CR

Francisco **CORRALES**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the County Court at Law No. 7, Bexar County, Texas
Trial Court No. 265513
Honorable Monica Guerrero, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: May 26, 2010

DISMISSED FOR LACK OF JURISDICTION

On February 13, 2009, appellant was convicted of violating a protective order and sentenced to one year in jail. The sentence was suspended and appellant was placed on community supervision for a period of fourteen months. On June 26, 2009, the trial court found appellant violated a condition of community supervision and modified appellant's community supervision. Appellant filed a notice of appeal from the order modifying his community supervision. On September 15,

2009, the trial court revoked appellant's community supervision. Appellant did not file a notice of appeal from the order revoking his community supervision.

An order modifying community supervision is not appealable. *Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977). A defendant, however, may appeal an order revoking community supervision when he is notified of the decision to revoke and "is called on" to serve a sentence in jail or in the institutional division of the Texas Department of Criminal Justice. *See* TEX. CODE CRIM. PROC. ANN. art. 42.12, § 23(b) (Vernon Supp. 2009).

Here, appellant did not appeal the order revoking his community supervision. Thus, it appears we have no jurisdiction over this appeal. Therefore, on April 20, 2010, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. On May 11, 2010, appellant's attorney filed a written response, stating he has found no authority to support jurisdiction. Accordingly, this appeal is dismissed for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH