



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00291-CR

Zoila **FREIRE**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 399th Judicial District Court, Bexar County, Texas
Trial Court No. 2018CR2613
Honorable Frank J. Castro, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: May 29, 2019

DISMISSED FOR WANT OF JURISDICTION

Appellant Zoila Freire pled guilty to possession of a controlled substance, penalty group 1, less than one gram. On September 28, 2018, Appellant's adjudication of guilt was deferred, and Appellant was placed on community supervision. On April 3, 2019, the trial court amended Appellant's community supervision conditions. Appellant now seeks to appeal from the trial court's April 3, 2019 order, which Appellant signed on March 29, 2019, modifying the conditions of Appellant's deferred adjudication.

On May 9, 2019, we advised Appellant that “an order modifying the terms or conditions of deferred adjudication is not in itself appealable.” *See Davis v. State*, 195 S.W.3d 708, 711 (Tex. Crim. App. 2006); *Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977). We ordered Appellant to show cause in writing by May 24, 2019, why this appeal should not be dismissed for want of jurisdiction. *See Davis*, 195 S.W.3d at 711.

Appellant’s court-appointed appellate counsel timely filed a response. Counsel advised the court that “Appellant is requesting that the trial court amend the conditions of probation” based on Appellant’s claims that the conditions violate her constitutional rights, and counsel asks this court not to dismiss the appeal.

Appellant’s response does not cure the jurisdictional defect: “an order modifying the terms or conditions of deferred adjudication is not in itself appealable.” *See Davis*, 195 S.W.3d at 711; *Basaldua*, 558 S.W.2d at 5. Appellant’s response fails to show how this court has jurisdiction in this appeal. We dismiss this appeal for want of jurisdiction. *See Davis*, 195 S.W.3d at 711.

PER CURIAM

DO NOT PUBLISH