



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00448-CR

Amber **JACK**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 290th Judicial District Court, Bexar County, Texas
Trial Court No. 2017CR13552
Honorable Jennifer Pena, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: October 21, 2020

DISMISSED FOR LACK OF JURISDICTION

On May 29, 2018, appellant Amber Jack was convicted of possession of a controlled substance and sentenced to eight years deferred adjudication community supervision. On March 20, 2019, the State filed a motion to revoke appellant's community supervision, and on July 30, 2020, the trial court denied the State's motion and modified the conditions of appellant's community supervision. On September 3, 2020, appellant filed a notice of appeal, seeking to appeal the trial court's order modifying the conditions of her community supervision.

Modification of community supervision is not appealable at the time of modification. *See Davis v. State*, 195 S.W.3d 708, 710 (Tex. Crim. App. 2006) (“There is no legislative authority for entertaining a direct appeal from an order modifying the conditions of community supervision.”); *Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977); *Quaglia v. State*, 906 S.W.2d 112, 113 (Tex. App.—San Antonio 1995, no pet.). A defendant may appeal the judgment at the time she is placed on community supervision or an order revoking her community supervision. TEX. CODE CRIM. PROC. ANN. art. 42.12, § 23(b); *Quaglia*, 906 S.W.2d at 113. Here, appellant did not timely appeal from the judgment placing her on community supervision, and the clerk’s record does not contain an order revoking her community supervision. Because it appeared we did not have jurisdiction over this appeal, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant filed a response conceding the trial court’s modification order is not an appealable order. We therefore dismiss this appeal for lack of jurisdiction.

PER CURIAM

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