

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00063-CR

DOMINIQUE TRAYVILLE LOFTON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 09-07936

MEMORANDUM OPINION

In accordance with a plea-bargain agreement, Dominique Trayville Lofton entered a plea of guilty to the offense of possession of a controlled substance. The trial court found evidence sufficient to find Lofton guilty, deferred further proceedings, placed Lofton on community supervision for three years, and assessed a \$500 fine. The State subsequently filed a motion to revoke Lofton’s unadjudicated community supervision. At the hearing on the motion to revoke, Lofton pled “true” to three violations of the conditions of his community supervision. The trial court found that Lofton violated the

terms of his community supervision, found him guilty of possession of a controlled substance, and assessed his punishment at two years of confinement in the state jail.

In a single issue, Lofton appeals and contends, “he has been denied a complete record on appeal despite his compliance with the applicable rules to secure a complete record.” Lofton timely filed a written designation of the record, and attached a copy of his written request to the official reporter for the preparation and filing of the complete reporter’s record, including the original plea to the indictment. The reporter’s record on appeal contains only the record from the hearing on the Motion to Revoke Probation Plea and Sentence. The record of the plea hearing and of the hearing at which the trial court placed Lofton on deferred adjudication is not part of the appellate record before us. Lofton asserts that without the record from these hearings he is unable to determine “whether or not the trial court pre-determined the sentence at the time of entry of the original plea, or made other such comments that would render the ultimate sentence insupportable.” There is no indication in the record that suggests the trial court predetermined the sentence.

A defendant placed on deferred adjudication community supervision may raise issues relating to the original plea proceeding only in an appeal timely filed after the imposition of the deferred adjudication community supervision. *Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999). Texas statutory law ordinarily limits an appellate court’s review of an order adjudicating guilt to whether the trial court abused its

discretion in determining that the defendant violated the terms of his community supervision. *See* Tex. Code Crim. Proc. Ann. art. 42.12, § 5(b) (West Supp. 2010).

Lofton did not timely appeal the trial court's order placing him on deferred adjudication community supervision. *See* Tex. R. App. P. 33.1. The reporter's record from Lofton's original plea proceeding is unnecessary to the resolution of his appeal since any issues related to the original plea proceedings were required to be appealed after the trial court imposed community supervision. *See Manuel*, 994 S.W.2d at 661-62. We overrule Lofton's sole issue and affirm the trial court's judgment.

AFFIRMED.

CHARLES KREGER
Justice

Submitted on August 25, 2011
Opinion Delivered August 31, 2011
Do not publish

Before McKeithen, C.J., Gaultney and Kreger, JJ.