



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-15-00229-CR

DANIEL GALAZ, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 402nd District Court
Wood County, Texas
Trial Court No. 16,123-99

Before Morriss, C.J., Moseley and Burgess, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

Daniel Galaz pled guilty on April 18, 2000, to a charge of indecency with a child by sexual contact. On that same date, the trial court accepted that plea, but deferred the adjudication of Galaz's guilt and placed him on five years' deferred adjudication community supervision. Between April 18, 2000, and September 16, 2015, the conditions of Galaz' community supervision were modified numerous times. On September 16, 2015, Galaz filed a pleading titled "Motion for Termination of Deferred Adjudication," which was actually a complaint by Galaz that his period of community supervision had been unlawfully extended, coupled with a motion to relieve Galaz of further community supervision by the dismissal of the cause of action against him. The trial court signed and entered a written order on November 19, 2015, denying Galaz' motion. On December 15, 2015, Galaz filed both a motion seeking a new trial and a notice of appeal from the trial court's November 19 order.

In the State of Texas, a party may appeal only that which the Texas Legislature has authorized. *Galitz v. State*, 617 S.W.2d 949, 951 (Tex. Crim. App. 1981). In the absence of legislation authorizing an appeal, appellate courts lack jurisdiction to act. *Id.* Generally speaking, in the criminal context, the Texas Legislature has only authorized appeals by criminal defendants from written judgments of conviction. *See Gutierrez v. State*, 307 S.W.3d 318, 321 (Tex. Crim. App. 2010); *Ex parte Shumake*, 953 S.W.2d 842, 844 (Tex. App.—Austin 1997, no pet.). It is observed in *Dwyer v. State*, specific to cases resulting in community supervision, Article 42.12, Section 23(b) of the Texas Code of Criminal Procedure "provides that one can appeal: (1) an original judgment placing the defendant on probation at the time that probation is imposed, and

(2) . . . a subsequent revocation of that probation. Nowhere has the Legislature provided for the appeal of an order denying early termination.” *Dwyer v. State*, No. 08-01-00004-CR, 2002 WL 27103, at *2 (Tex. App.—El Paso Jan. 10, 2002, pet. dismissed) (not designated for publication); *see* TEX. CODE CRIM. PROC. ANN. art. 42.12, § 23(b) (West Supp. 2015).

By letter dated January 28, 2016, we notified Galaz of this potential defect in our jurisdiction and afforded him the opportunity to respond. We received no response.

In light of the foregoing, we dismiss this appeal for want of jurisdiction.

Bailey C. Moseley
Justice

Date Submitted: March 1, 2016
Date Decided: March 2, 2016

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