

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-02-00071-CR**

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**Robert James Cuzze, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF HAYS COUNTY, 22ND JUDICIAL DISTRICT  
NO. CR-00-519, HONORABLE CHARLES RAMSAY, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

In April 2001, appellant Robert James Cuzze was convicted of aggravated assault following a bargained guilty plea. Tex. Pen. Code Ann. ' 22.02 (West 2003). Punishment was assessed at imprisonment for ten years and a \$1500 fine, but imposition of sentence was suspended and appellant was placed on community supervision. One of the conditions of supervision was that appellant pay \$27,533.52 in restitution. Appellant attempted to appeal from his conviction, but his notice of appeal was not timely and the appeal was dismissed. *Cuzze v. State*, No. 03-01-00440-CR (Tex. App. CAustin Aug. 30, 2001, no pet.) (not designated for publication).

On December 6, 2001, a restitution hearing was held. After hearing testimony, the court ordered restitution in the modified amount of \$22,783.50. Appellant thereafter filed what he designated a limited notice of appeal from the modified restitution order. This is the appeal now before us. In three

points of error, appellant contends his guilty plea was involuntary, the district court erred by refusing to permit him to withdraw his plea, and the evidence does not support the amount of restitution ordered.

There is no constitutional or statutory right to appeal from an order modifying the conditions of community supervision. *Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977). Thus, the point of error challenging the modified restitution order presents nothing for review. In his other points, appellant seeks to challenge his original conviction. It remains too late to appeal from the judgment of conviction for the reasons stated in our first opinion.

The appeal is dismissed.

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David Puryear, Justice

Before Chief Justice Law, Justices B. A. Smith and Puryear

Dismissed

Filed: May 15, 2003

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