

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

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**NO. 03-02-00306-CR**

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**Joshua William Gerth, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF BURNET COUNTY, 33RD JUDICIAL DISTRICT  
NO. 9236, HONORABLE GUILFORD L. JONES III, JUDGE PRESIDING**

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Joshua William Gerth was placed on community supervision after being convicted of theft. *See* Tex. Pen. Code Ann. ' 31.03(a), (e)(5) (West Supp. 2002). The State subsequently moved to revoke supervision. On March 18, 2002, the district court revoked supervision and imposed sentence. On March 20, however, the court set aside the revocation order, modified the conditions of supervision, and ordered that Gerth be continued on supervision. Gerth filed his notice of appeal on April 17.

There is no 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). As a consequence, we are without jurisdiction.

The appeal is dismissed.

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Lee Yeakel, Justice

Before Chief Justice Aboussie, Justices B. A. Smith and Yeakel

Dismissed for Want of Jurisdiction

Filed: May 31, 2002

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