



NUMBER 13-19-00345-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

FAITH MARIE LOPEZ,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 148th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Benavides, Hinojosa, and Perkes
Memorandum Opinion by Justice Perkes**

Appellant, Faith Marie Lopez, attempts to appeal from an order modifying the terms of her community supervision. We dismiss the appeal.

On July 2, 2019, the trial court held a hearing on a motion to revoke appellant's community supervision. On July 17, 2019 the trial court ordered the term of community supervision to be extended for a period of two additional years and imposed additional

requirements. Appellant filed a notice of appeal on July 10, 2019.

The right to appeal is conferred by the legislature, and a party may appeal only that which the legislature has authorized. *Marin v. State*, 851 S.W.2d 275, 278 (Tex. Crim. App. 1993). A defendant has a right to appeal when his community supervision is revoked and he is adjudicated guilty and sentenced. See TEX. CODE CRIM. PROC. art. 42.12, § 23(b). To the contrary, there is no statutory basis for an appeal of an order modifying a term or condition of probation. See *Christopher v. State*, 7 S.W.3d 224, 225 (Tex. App.—Houston [1st Dist.] 1999, pet. ref'd). Case law has long held that an order modifying or refusing to modify probation is not subject to appeal. See *Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977); *Perez v. State*, 938 S.W.2d 761, 762-63 (Tex. App.—Austin 1997, pet. ref'd); *Eaden v. State* 901 S.W.2d 535, 536 (Tex. App.—El Paso 1995, no pet.).

In this case, the record does not contain any order revoking Lopez's community supervision, adjudicating her guilt, or assessing a jail or prison sentence. The trial court's order of July 17, 2019 modified the terms of community service.

The Court, having examined and fully considered the documents on file, is of the opinion that the appeal should be dismissed for want of jurisdiction. Accordingly, the appeal is hereby DISMISSED FOR WANT OF JURISDICTION. See TEX. R. APP. P. 42.3(a).

GREGORY T. PERKES
Justice

Do not publish.
See TEX. R. APP. P. 47.2(b).

Delivered and filed the
8th day of August, 2019.