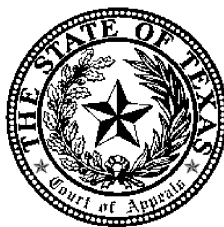


Affirmed and Opinion filed February 14, 2002.



In The
Fourteenth Court of Appeals

NO. 14-00-01020-CR

RONALD B. MILLS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 232nd District Court
Harris County, Texas
Trial Court Cause No. 797,244**

MEMORANDUM OPINION

Appealing his conviction and challenging his plea of guilty, appellant Ronald B. Mills contends that (1) the trial court erred in failing to conduct a hearing on his motion to withdraw his plea; and (2) he was denied assistance of counsel during the time for filing a motion for new trial. Because we have no jurisdiction over this appeal, we dismiss.

Appellant pleaded guilty to a two-count indictment for possession of a controlled substance, and possession with intent to deliver a controlled substance; in each instance, the controlled substance was alleged to weigh more than four grams but less than two hundred grams. In accordance with a plea bargain with the State, the trial court placed appellant on

deferred-adjudication probation for a period of six years. The trial court subsequently adjudicated appellant guilty and sentenced him to four years' confinement in the state penitentiary.

A defendant placed on deferred-adjudication probation may raise issues relating to the original plea proceedings only in an appeal taken when deferred-adjudication probation is first imposed. *See* TEX. CODE CRIM. PROC. ANN. art. 42.12 § 5(b) (Vernon Supp. 2000) (stating that “defendant is entitled to a hearing limited to the determination by the court of whether it proceeds with an adjudication of guilt on the original charge. No appeal may be taken from this determination.”); *Connolly v. State*, 983 S.W.2d 738, 741 (Tex. Crim. App. 1999) (finding that “an appellant whose deferred adjudication probation has been revoked and who has been adjudicated guilty of the original charge, may not raise on appeal contentions of error in the adjudication of guilt process.”); *Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999).

Because both of appellant's issues relate to the original plea proceedings, we have no jurisdiction over this appeal. *See Hanson v. State*, 11 S.W.3d 285, 287 (Tex. App.—Houston [14th Dist.] 1999, pet ref'd.) (finding that involuntariness of plea must be brought when deferred adjudication is imposed); *Olowosuko v. State*, 826 S.W.2d 940, 942 n.1 (Tex. Crim. App. 1992); *Cooper v. State*, 2 S.W.3d 500, 503-04 (Tex. App.—Texarkana 1999, pet. ref'd) (finding that within Section 5(b)'s prohibition are claims of ineffective assistance occurring in connection with the adjudication proceeding).

Accordingly, we dismiss this appeal for want of jurisdiction.

/s/ Kem Thompson Frost
 Justice

Judgment rendered and Opinion filed February 14, 2002.

Panel consists of Justices Anderson, Hudson, and Frost.

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