

Dismissed and Opinion filed April 20, 2000.



In The

## **Fourteenth Court of Appeals**

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NO. 14-99-00520-CR

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**DARRELL WAYNE MELTON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 176<sup>th</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 753,296**

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### **O P I N I O N**

Darrell Wayne Melton (Appellant) pleaded guilty to burglary of a habitation with intent to commit aggravated assault. The trial court placed Appellant on community supervision and deferred adjudication of his guilt for a term of ten years. Approximately four months after pleading guilty, Appellant violated the terms of his community supervision by having contact with the original complainant and causing her bodily injury. The trial court revoked Appellant's community supervision, adjudicated his guilt in his original offense and sentenced him to forty years' confinement in the Institutional Division of the Texas Department of Criminal Justice. On appeal, Appellant contends that this Court should reform the judgment of the trial court to reflect that he pleaded guilty to burglary of a habitation with intent to commit aggravated assault,

rather than burglary of habitation with intent to commit theft, as reflected in the trial court's written judgment. We dismiss for lack of jurisdiction.

A defendant placed on deferred adjudication community supervision may raise issues relating to the original plea proceeding, only in appeals taken when deferred adjudication community supervision is first imposed. *See Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999). In the case at bar, Appellant could have appealed from the order placing him on deferred adjudication community supervision, and could have argued at that time that the trial court's written judgment contained a clerical error. *See id.*; TEX. CODE CRIM. PROC. ANN. art. 42.12, § 5(b) (Vernon Supp. 2000). Instead, he waited until after his community supervision had been revoked and his adjudication of guilt formally made. Thus, this Court is without jurisdiction to address the merits of Appellant's claim. *See id.*

We dismiss this appeal for want of jurisdiction.

/s/ Don Wittig  
Justice

Judgment rendered and Opinion filed April 20, 2000.

Panel consists of Chief Justice Murphy and Justices Hudson and Wittig.

Do Not Publish — TEX. R. APP. P. 47.3(b).