

Dismissed and Opinion filed May 24, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-00479-CR

JAMES PATRICK CARTON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 263rd District Court
Harris County, Texas
Trial Court Cause No. 718,920**

OPINION

Appellant pled guilty to aggravated sexual assault of a child on October 16, 1996. In accordance with the terms of a plea bargain agreement, the trial judge deferred adjudication of guilt and placed appellant on community supervision for ten years. The State filed a motion to adjudicate guilt. After a hearing, the trial court found appellant guilty and assessed punishment at confinement for twenty years.

Appellant filed a notice of appeal from (1) the trial court's October 16, 1996, order deferring adjudication and placing appellant on community supervision;¹ (2) the judgment adjudicating guilt signed January 12, 2000; and (3) the denial of appellant's motion for new trial. In his brief, however, appellant's complaints are only as to the voluntariness of his original plea of guilty.

We may not consider any complaint concerning the original plea because those had to have been raised when deferred adjudication community supervision was first imposed. *Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999). Moreover, in a plea-bargained felony case, when an appellant files a notice of appeal that does not comply with Rule 25.2(b)(3), the appellate court may not consider the issue of voluntariness of the plea. *Cooper v. State*, No. 1100-99, slip op. at 8, 2001 WL 321579 at * 1 (Tex. Crim. App. April 4, 2001).

Appellant asserts that, because he is challenging the voluntariness of his plea in conjunction with the trial courts ruling on his motion for new trial, this court does have jurisdiction to entertain this appeal. In support of this assertion, appellant cites TEX. CODE CRIM. PROC. ANN. Art. 42.12 (Vernon Supp. 2001). Appellant misreads this statute. This section does not provide for an appeal from proceedings following an adjudication of guilt.

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed May 24, 2001.

Panel consists of Justices Yates, Fowler, and Wittig.

Do Not Publish — TEX.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

¹ To timely appeal from the trial court's order deferring adjudication, appellant needed to file his notice of appeal within 30 days after the order was signed. TEX. R. APP. P. 26.1; *Manuel*, 994 S.W.2d at 662. Appellant's March 3, 2000, notice of appeal, as it pertains to the trial court's October 16, 1996, order deferring adjudication, is untimely.