

**Dismissed and Opinion filed June 15, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-98-01087-CR**  
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**BRYAN MCKEITH BUSH, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 185<sup>th</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 653,788**

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**O P I N I O N**

Bryan McKeith Bush, appellant, appeals from the trial court's revocation of his deferred adjudication community supervision. We dismiss the appeal for want of jurisdiction.

Appellant was charged with the offense of aggravated sexual assault of a child, and entered a plea of guilty without an agreed recommendation of punishment from the State. The trial court accepted the plea, but deferred a finding of guilt and placed appellant on deferred adjudication community supervision for eight years. The State subsequently filed a motion to adjudicate guilt, and following a hearing, found the allegations true and assessed a life sentence. Appellant timely filed a general notice of appeal, and presents one point of error

alleging abuse of discretion in granting the motion to adjudicate due to insufficiency of the evidence.

The State correctly argues that Texas law does not permit an appeal from a determination to adjudicate guilt after adjudication has been deferred. TEX. CRIM. PROC. CODE ANN. art. 42.12 § 5(b) (Vernon Supp.1999); *Olowosuko v. State*, 826 S.W.2d 940, 942 (Tex. Crim. App.1992). As recently reiterated by the Court of Criminal Appeals in *Connolly v. State*, 983 S.W.2d 738 (Tex. Crim. App. 1999),

[W]e have tried to make clear that, given the plain meaning of Article 42.12, § 5(b), an appellant whose deferred adjudication probation has been revoked and who has been adjudicated guilty of the original charge, may not raise on appeal contentions of error in the adjudication of guilt process [citation omitted]. Moreover, since the Legislature has not overturned our interpretation of the statute after all these years, we are confident that our interpretation is correct [citation omitted].

*Id.* at 740-1.

Appellant's appeal does not present a point of error that would circumvent either the statute or well-established case law.

This appeal is dismissed for lack of jurisdiction.

/s/     Ross A. Sears  
          Justice

Judgment rendered and Opinion filed June 15, 2000.

Panel consists of Justices Robertson, Sears, and Lee.\*

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

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\* Senior Justices Sam Robertson, Ross A. Sears, and Norman Lee sitting by assignment.