

Dismissed and Opinion filed July 5, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00499-CR

MICHELLE ISAACKS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 263rd District Court
Harris County, Texas
Trial Court Cause No. 785,100**

OPINION

Appellant pled guilty to the offense of theft on August 25, 1999. In accordance with the terms of a plea bargain agreement, the trial judge deferred adjudication of guilt and placed appellant on community supervision for four years. On March 12, 2001, the State filed a motion to adjudicate guilt. Appellant pled true, without an agreed recommendation. On March 22, 2001, the trial court found appellant guilty and assessed punishment at confinement in a state jail facility for sixteen months. Appellant filed a general notice of appeal.

Article 42.12, § 5(b), of the Texas Code of Criminal Procedure provides:

On violation of a condition of [deferred adjudication] community supervision imposed under Subsection (a) of this section, the defendant may be arrested and detained as provided in Section 21 of this article. The 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. . . .

TEX. CODE CRIM. PROC. ANN. Art. 42.12 § 5(b) (Vernon Supp. 2001). The Court of Criminal Appeals has made it clear that, given the plain meaning of Article 42.12, § 5(b), an appellant whose deferred adjudication probation has been revoked and who has been adjudicated guilty of the original charge, may not raise on appeal contentions of error in the adjudication of guilt process. *Connolly v. State*, 983 S.W.2d 738, 741 (Tex. Crim. App. 1999).

In addition, appellant's general notice of appeal did not comply with the requirements of Rule 25.2(b)(3) of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 25.2(b)(3). The requirements of Rule 25.2(b)(3) apply to an appeal from a judgment adjudicating guilt when, as in the present case, the State recommended deferred adjudication probation at the original plea. *See Watson v. State*, 924 S.W.2d 711, 714-15 (Tex. Crim. App. 1996). The limitations of the rule apply when a defendant is placed on deferred adjudication community supervision pursuant to a plea agreement, even when the defendant is subsequently adjudicated guilty and sentence is imposed without a second plea agreement. *Id.* at 714. Because the time for filing a proper notice of appeal has expired, appellant may not file an amended notice of appeal to correct jurisdictional defects. *State v. Riewe*, 13 S.W.3d 408, 413-14 (Tex. Crim. App. 2000). Therefore, we are without jurisdiction to consider complaints concerning the adjudication of guilt. *Watson v. State*, 924 S.W.2d at 714.

Nor may we now consider any complaint concerning the original plea, including the voluntariness of the plea, because those had to have been raised when deferred

adjudication community supervision was first imposed. *Daniels v. State*, 30 S.W.3d 407, 408 (Tex. Crim. App.2000); *Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999).

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed July 5, 2001.

Panel consists of Justices Edelman and Frost and Senior Chief Justice Murphy.¹

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

¹ Senior Chief Justice Paul C. Murphy sitting by assignment.