

Dismissed and Opinion filed December 30, 1999.



In The

Fourteenth Court of Appeals

NO. 14-98-00606-CR

DANNY RAY YARDLEY, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from 176th District Court
Harris County, Texas
Trial Court Cause No. 716,721**

O P I N I O N

Danny Ray Yardley appeals a conviction for possession of a controlled substance on the grounds that his guilty plea was involuntary because the trial court failed to admonish him on: (1) the consequences of violating his conditions of probation, and (2) the minimum range of punishment. We dismiss the appeal for want of jurisdiction.

Appellant was charged with the felony offense of possession of a controlled substance on February 29, 1996. He pled guilty without an agreed punishment recommendation, and on July 19, 1996, the trial judge placed appellant on deferred adjudication for ten years and assessed a fine of \$1000, 400 hours of community service, and general conditions of probation. On December 19, 1997, the State filed a motion

to adjudicate guilt, alleging that appellant had violated the terms and conditions of his probation by carrying an illegal knife and being publicly intoxicated. On March 6, 1998, the defendant pled “true” to the allegations in the State’s motion and the judge sentenced appellant to fifteen years confinement and a fine of \$1.00.

A defendant placed on deferred adjudication community supervision may raise issues relating to the original plea proceeding only in appeals taken when the deferred adjudication order is first entered. *See Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999); TEX. CODE CRIM. PROC. ANN. art. 42.12, § 23(b). In this case, appellant’s complaints arise from his deferred adjudication proceeding, not its revocation. He was required to appeal any issues regarding the original plea proceeding, including the voluntariness of his confession, within thirty days of being placed on deferred adjudication community supervision. *See* TEX. R. APP. P. 26.2(a)(1); TEX. CODE CRIM. PROC. ANN. art. 42.12, § 23(b); *Manuel*, 994 S.W.2d at 662; *Clark v. State*, 997 S.W.2d 365, 367-69 (Tex. App.–Dallas 1999, no pet. h.). Because appellant failed to do so, we are without jurisdiction to review his complaint. Accordingly, we dismiss appellant’s appeal for want of jurisdiction.

/s/ Richard H. Edelman
Justice

Judgment rendered and Opinion filed December 30, 1999.

Panel consists of Justices Hudson, Edelman, and Wittig.

Do not publish — TEX. R. APP. P. 47.3(b).