

Dismissed and Opinion Filed June 30, 2020



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-20-00616-CR

**JOSHUA COLLINS, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 265th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F18-71801-L**

MEMORANDUM OPINION

Before Justices Bridges, Pedersen, and Evans
Opinion by Justice Pedersen

On July 24, 2019, after Joshua Collins pleaded guilty to burglary of a habitation, the trial court deferred adjudication of guilt for five years. Thereafter, the State filed a motion to proceed with an adjudication of guilt, alleging appellant had violated certain terms and conditions of his probation. On June 8, 2020, the trial court denied the State's motion and modified the conditions of appellant's community supervision. Appellant's notice of appeal, dated June 9, 2020, was filed in this Court on June 17, 2020.

As a general rule, an appellate court may consider appeals by criminal defendants only after conviction. *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.). With regard to deferred adjudication, the Legislature has authorized appeal of only two types of orders: (1) an order granting deferred adjudication, and (2) an order imposing punishment pursuant to an adjudication of guilt. *Davis v. State*, 195 S.W.3d 708, 711 (Tex. Crim. App. 2006). Orders modifying the terms or conditions of deferred adjudication are not themselves appealable. *Id.*

Here, there is no judgment of conviction. Rather, the trial court continued appellant on probation. We do not have jurisdiction over an order continuing a defendant on community supervision. *See id.*

We dismiss this appeal for lack of jurisdiction.

/Bill Pedersen, III//
BILL PEDERSEN, III
JUSTICE

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TEX. R. APP. P. 47.2(b)



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

JOSHUA COLLINS, Appellant

No. 05-20-00616-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 265th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F-1871801-L.
Opinion delivered by Justice
Pedersen, III. Justices Bridges and
Evans participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal.

Judgment entered this 30th day of June, 2020.