

Dismissed and Opinion Filed April 22, 2021



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

No. 05-21-00199-CR

No. 05-21-00200-CR

MARIAH BARKER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 283rd Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F19-35335-T & F19-35336-T**

MEMORANDUM OPINION

Before Justices Molberg, Goldstein, and Smith

Opinion by Justice Molberg

On May 7, 2020, after Mariah Barker pleaded guilty to possession of methamphetamine and possession of cocaine, the trial court deferred adjudication of guilt for four years. Thereafter, the State filed motions to proceed with an adjudication of guilt in each case, alleging appellant had violated numerous terms and conditions of her probation. On March 17, 2021, the trial court continued appellant on probation for an additional year and modified the conditions of her community supervision in each case. Appellant's notices of appeal, dated March 22, 2021, were filed in this Court on March 29, 2021.

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 regards 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 are no judgments of conviction. Rather, the trial court continued appellant on probation in each case. We do not have jurisdiction over an order continuing a defendant on community supervision. *See id.*

We dismiss these appeals for lack of jurisdiction.

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

/Ken Molberg/
KEN MOLBERG
JUSTICE



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

JUDGMENT

MARIAH BARKER, Appellant

No. 05-21-00199-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F19-35335-T.
Opinion delivered by Justice
Molberg. Justices Goldstein and
Smith participating.

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

Judgment entered this 22nd day of April, 2021.



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

JUDGMENT

MARIAH BARKER, Appellant

No. 05-21-00200-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F19-35336-T.
Opinion delivered by Justice
Molberg. Justices Goldstein and
Smith participating.

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

Judgment entered this 22nd day of April, 2021.