

Dismissed and Opinion filed October 12, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00475-CR

GREGORY JENSEN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 212th District Court
Galveston County, Texas
Trial Court Cause No. 94CR 1401**

O P I N I O N

Appellant entered a plea of guilty to the offense of possession of more than five, but less than fifty pounds of marijuana. The trial court accepted appellant's plea, found the evidence sufficient to substantiate guilt, but withheld a finding of guilt and placed appellant on community supervision for ten years. Later, the State moved to adjudicate appellant's guilt to the offense. Appellant entered a plea of not true to the State's motion, which the trial court heard along with the jury trial of a new charge of aggravated sexual assault of a child. Thereafter, the trial court revoked appellant's community supervision, adjudicated appellant's guilt on the offense of possession of marijuana, and assessed punishment at ten years confinement in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a motion for new trial, which was overruled by operation of law.

On appeal, appellant complains of trial error that beset the trial for the offense of sexual assault of a child, which the trial court heard along with the State's motion to adjudicate. Appellant claims as a result of these errors, the evidence is insufficient to support the allegations in the State's motion to adjudicate his guilt for the offense of possession of marijuana.

The only issue relevant to this appeal, however, is this court's jurisdiction. By these points of error, appellant seeks review of the trial court's decision to adjudicate his guilt. *See Hargrave v. State*, 10 S.W.3d 355, 357 (Tex. App.—Houston [1st Dist.] 1999, pet. ref'd) (op. on reh'g). No appeal may be taken from the trial court's decision to proceed with an adjudication of guilt on a deferred adjudication. *See TEX. CODE CRIM. PROC. ANN. art. 42.12, §5(b)* (Vernon Supp. 2000); *Connolly v. State*, 983 S.W.2d 738, 741 (Tex. Crim. App. 1999); *Hargrave*, 10 S.W.2d at 357. Accordingly, we have no jurisdiction to consider the merits of appellant's appeal. *See Connolly*, 983 S.W.2d at 741. Without jurisdiction over an appeal, the only action this court can take is to dismiss the appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998).

Therefore, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed October 12, 2000.

Panel consists of Chief Justice Murphy, and Justices Amidei and Hudson.

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