

Opinion filed August 3, 2000 Withdrawn; Dismissed and Corrected Opinion filed October 12, 2000.



In The
Fourteenth Court of Appeals

NO. 14-98-00450-CR

WILLIE BRAXTON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 185th District Court
Harris County, Texas
Trial Court Cause No. 94-14874**

C O R R E C T E D O P I N I O N

Appellant was indicted for the offense of attempted sexual assault. He agreed to plead guilty without a recommendation from the State, but with the tacit understanding that the judge would sentence him to the SAFPF program, an in-patient intensive drug treatment program run by the Texas Department of Criminal Justice. The trial court sentenced appellant to deferred adjudication, with the proviso that he attend the SAFPF program. However, the nature of his offense precluded his entry into SAFPF, so he was sentenced to a less stringent program. After the state filed a motion to adjudicate, appellant sought

to withdraw his guilty plea on the grounds of voluntariness. The trial court denied this motion, prompting this appeal.

A defendant placed on deferred adjudication community supervision may raise issues relating to the original plea proceeding only in appeals taken when deferred adjudication community supervision is first imposed. *Manuel v. State*, 994 S.W.2d 661-662 (Tex. Crim. App. 1999). This applies as well to complaints about the voluntariness of a plea. *Clark v. State*, 997 S.W.2d 365, 368 (Tex. App.—Dallas 1999, no pet.) (en banc). Because appellant did not appeal the original grant of deferred adjudication, we do not have jurisdiction to consider appellant's complaint. Accordingly, we dismiss his sole point of error.

/s/ Sam Robertson
Justice

Judgment rendered and Opinion filed October 12, 2000.

Panel consists of Justices Robertson, Sears, and Cannon.*

Do Not Publish — TEX.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

* Senior Justices Sam Robertson, Ross A. Sears, and Bill Cannon sitting by assignment.