

Dismissed and Opinion filed November 16, 2000.



In The

Fourteenth Court of Appeals

NO. 14-99-00664-CR

RODNEY CLAYTON DRISKILL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause No. 624,027**

O P I N I O N

Appellant, Rodney Clayton Driskill, was charged by indictment with indecency with a child. Pursuant to a plea bargain agreement, appellant entered a plea of guilty. In accordance with the plea agreement, the trial court deferred a finding of guilt and placed appellant under the terms and conditions of community supervision for a term of four years. Shortly before the term was to expire, the State filed a motion to adjudicate appellant's guilt based upon his failure (1) to stop and render aid after a traffic accident, (2) to report to his probation officer as instructed, and (3) to pay his supervisory fees. After a hearing, the trial court concluded that appellant had violated the conditions of his community supervision

and adjudicated his guilt. The trial court subsequently sentenced appellant to confinement in the state penitentiary for a term of eight years.

On appeal, appellant contends he was denied due course of law as guaranteed by the Texas Constitution because: (1) there was a fatal variance between the State's pleadings and proof due to a typographical error in the name of the traffic victim as alleged in the State's motion to adjudicate; and (2) the trial court abused its discretion in adjudicating appellant's guilt in light of his "cooperative nature" and general compliance with other conditions of his community supervision. We have, however, no jurisdiction to entertain an appeal from an adjudication of guilt. *See* TEX. CODE CRIM. PROC. ANN. art. 42.12, § 5(b) (Vernon Supp. 2000).

Accordingly, the appeal is dismissed for want of jurisdiction.

/s/ J. Harvey Hudson
Justice

Judgment rendered and Opinion filed November 16, 2000.

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

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