Affirmed and Opinion filed March 22, 2001.

In The

Fourteenth Court of Appeals

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NO. 14-98-01125-CR

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LEONARD WATKINS, Appellant

V.

THE STATE OF TEXAS , Appellee

On Appeal from the 337th District Court
Harris County, Texas
Trial Court Cause No. 780,878

O P I N I O N

Appellant was indicted for the offense of possession of more than 4 grams but less than 200 grams of cocaine. *See* TEX. HEALTH & SAFETY CODE ANN. § 481.113 (Vernon Supp. 2000). On June 16, 1998, he pleaded guilty; the trial court deferred adjudication and placed him on five years' probation. As a condition of probation appellant was committed to the Harris County Community Supervision and Corrections Department boot camp and ordered to "comply with all rules, regulations, and contracts of the facility until successfully discharged or until further order of the Court[.]" On August 11, 1998, the state moved to

adjudicate guilt based on ten infractions of the program's rules; included in this laundry list was the offenses of "failure to address staff or citizens with military courtesy; talking back to staff." In his sole point of error appellant contends this alleged infraction was "not revocable on its' [sic] face." We dismiss the appeal.

We agree with the State that appellant is attempting to appeal the trial court's decision to adjudicate, which our law does not permit him to do. *See* TEX. CODE CRIM. PROC. ANN. art. 42.12, § 5(b) (Vernon Supp. 2000); *Phynes v. State*, 828 S.W.2d 1, 2 (Tex. Crim. App. 1992); *Anthony v. State*, 962 S.W.2d 242, 244 (Tex. App.—Fort Worth 1998, no pet.); *Sanders v. State*, 944 S.W.2d 448, 450 (Tex. App.—Houston [14th Dist.] 1997, no pet.). When an appellate court is faced with this situation, the proper procedure is to dismiss the appeal. *Phynes*, 828 S.W.2d at 2. Accordingly, appellant's appeal is dismissed.

/s/   Norman Lee
         Justice

Judgment rendered and Opinion filed March 22, 2001.

Panel consists of Justices Cannon, Draughn, and Lee.[1]

Do Not Publish — TEX.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

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[1] Senior Justices Bill Cannon, Joe L. Draughn, and Norman Lee sitting by assignment.