

Appeal Dismissed and Opinion filed April 5, 2001.



In The

Fourteenth Court of Appeals

NO. 14-99-01232-CR

TARI NORCO DARDEN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 337th District Court
Harris County, Texas
Trial Court Cause No. 795,267**

OPINION

Appellant was charged by indictment with aggravated assault. After he pleaded no contest without a plea agreement, the trial court set punishment at six years' deferred adjudication community supervision. The State later moved to adjudicate, alleging that appellant had violated the terms of his community supervision. Appellant, after a hearing and without a plea agreement, pleaded true to the allegations in the State's motion. The court found the allegations true, adjudicated appellant's guilt in connection with the underlying aggravated assault charge, and assessed punishment at ten years in prison. Appellant now complains that

the trial court erred in revoking his community supervision because there was no evidence presented that his failure to pay certain community supervision fees was intentional.

A trial court's determination to proceed to adjudication of guilt in connection with deferred adjudication community supervision is not reviewable by this court on direct appeal. *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). Thus, if a plea of true forms part of the basis of a trial court's decision to adjudicate guilt, this court has no authority to review the trial court's decision. Having no authority to consider the appeal, we must dismiss it.

PER CURIAM

Judgment rendered and Opinion filed April 5, 2001.

Panel consists of Senior Chief Justice Murphy¹ and Justices Edelman and Frost.

Do Not Publish — TEX.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

¹ Senior Chief Justice Paul C. Murphy sitting by assignment.