

**Dismissed and Opinion filed June 7, 2001.**



**In The**

**Fourteenth Court of Appeals**

-----  
**NO. 14-00-00456-CR**  
-----

**JESUS ALVARADO, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

---

**On Appeal from the 182nd District Court  
Harris County, Texas  
Trial Court Cause No. 692,304**

---

**OPINION**

Appellant pled guilty without an agreed recommendation as to punishment to the felony offense of murder on January 9, 1996. On March 6, 1996, the charge was reduced to voluntary manslaughter. The trial court deferred adjudication of guilt, and placed appellant on community supervision for ten years. The State filed a motion to adjudicate guilt. After a hearing, the trial court found appellant guilty and assessed punishment at confinement for sixteen years. Appellant filed a timely general notice of appeal from the judgment adjudicating guilt..

On appeal, appellant challenges the trial court's conclusion that appellant committed an aggravated assault. Specifically, appellant argues his conviction should be reversed because his state and federal due process rights were violated because the trial court's conclusion that appellant had committed an aggravated assault was based upon "the prosecutor's passive use of perjured testimony at the adjudication hearing."

Given the plain meaning of Article 42.12, section 5(b) of the Code of Criminal Procedure, an appellant whose deferred adjudication probation has been revoked and who has been adjudicated guilty of the original charge, may not raise on appeal contentions of error in the adjudication of guilt process. *Connolly v. State*, 983 S.W.2d 738, 741 (Tex. Crim. App. 1999); TEX. CODE CRIM. PROC. ANN. Art. 42.12 § 5(b) (Vernon Supp. 2000). Appellant may only raise issues that occur after adjudication of guilt and assessment of punishment. *See Ditto v. State*, 988 S.W.2d 236, 238 (Tex. Crim. App. 1999). The sole issue raised by appellant on appeal challenges, under the guise of a due process, the trial court's decision to adjudicate guilt. Under article 42.12, section 5(b), appellant may not raise this complaint.

Nor may we now consider any complaint concerning the original plea because those had to have been raised when deferred adjudication community supervision was first imposed. *Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999).

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed June 7, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

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