

Dismissed and Opinion filed June 28, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00220-CR

MARCUS TREMAINE ALLEN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 262nd District Court
Harris County, Texas
Trial Court Cause No. 828,229**

OPINION

Appellant pled guilty without an agreed recommendation as to punishment to the offense of possession of a controlled substance on March 27, 2000. The trial judge 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 in the Texas Department of Criminal Justice--Institutional Division for five years. Appellant filed a timely general notice of appeal from the judgment adjudicating guilt.

On appeal, appellant's counsel filed an *Anders* brief stating there were no viable issues for appeal; appellant has not exercised his right to file a pro se response.

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Article 42.12, section 5(b) of the Code of Criminal Procedure, an appellant whose deferred adjudication probation has been revoked and who has been adjudicated guilty of the original charge, may not raise on appeal contentions of error in the adjudication of guilt process.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).

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 28, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

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