Dismissed and Opinion filed September 28, 2000.

In The

Fourteenth Court of Appeals

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NOS. 14-00-00807-CR
14-00-00808-CR

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ALI HUSSEIN SBAITI, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 209th District Court
Harris County, Texas
Trial Court Cause Nos. 757,654, 769,099

O P I N I O N

Appellant entered a plea of guilty, pursuant to a plea agreement, to the felony offenses of theft and credit card abuse. The court accepted appellant's pleas to each offense, found the evidence sufficient to substantiate guilt, but withheld a finding of guilt and placed appellant on community supervision for seven years for the offense of theft and five years for the offense of credit card abuse. Later, the State moved to adjudicate appellant's guilt on each offense. Appellant entered a plea of true to the State's motions. Thereafter, the trial court revoked appellant's community supervision, adjudicated appellant's guilt on both offenses, and assessed punishment at two years confinement in the Institutional Division of the Texas Department of

Criminal Justice for the theft conviction and two years confinement at a State Jail Facility for the credit card abuse conviction. In two points of error, appellant contends his plea of true to the State's motions to adjudicate guilt on both offenses was involuntary. We dismiss for want of jurisdiction.

In his first point of error, appellant complains the form he signed stipulating to evidence on the motion to adjudicate guilt indicated that the trial court could grant him permission to appeal, even though section 5(b) of Article 42.12 of the Code of Criminal Procedure prohibits an appeal of error in the adjudication of guilt process. In his second point of error, appellant maintains that his trial counsel failed to advise him that the State's motions to adjudicate guilt were insufficient as a matter of law. Appellant argues that the misinformation on the form and his attorney's ineffectiveness rendered his pleas of true involuntary.

By these points of error, appellant seeks review of the trial court's decision to adjudicate his guilt. *See Hargrave v. State*, 10 S.W.2d 355, 357 (Tex. App.—Houston [1st Dist.] 1999, pet. ref'd) (op. on reh'g). No appeal may be taken from the trial court's decision to proceed with an adjudication of guilt on a deferred adjudication. *See* TEX. CODE CRIM. PROC. ANN. art. 42.12, §5(b) (Vernon Supp. 2000)*; Connolly v. State*, 983 S.W.2d 738, 741 (Tex. Crim. App. 1999); *Phynes v. State*, 828 S.W.2d 1, 2 (Tex. Crim. App. 1992); *Olowosuko v. State*, 826 S.W.2d 940, 942 (Tex. Crim. App. 1992). Without jurisdiction over an appeal, the only action this court can take is to dismiss the appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998).

Accordingly, we dismiss the appeal in cause numbers 14-00-00807-CR and 14-00-00808-CR for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed September 28, 2000.
Panel consists of Justices Anderson, Fowler, and Frost.
Do Not Publish — TEX. R. APP. P. 47.3(b).