Dismissed and Opinion filed October 12, 2000.

In The

Fourteenth Court of Appeals

———————————

NO. 14-99-01247-CR

———————————

TOMMIE JUNIOUS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 240th District Court
Fort Bend County, Texas
Trial Court Cause No. 29,317-A

O P I N I O N

Appellant entered a plea of nolo contendere to the offense of aggravated assault with a deadly weapon pursuant to a plea agreement. The trial court accepted appellant's plea, found the evidence sufficient to substantiate guilt, but withheld a finding of guilt and placed appellant on community supervision for two years. Later, on the State's motion, the trial court revoked appellant's community supervision, adjudicated appellant's guilt on the offense of aggravated assault, and assessed punishment at twenty-five years confinement in the Institutional Division of the Texas Department of Criminal Justice. Seven days after the judgment was entered, appellant filed a motion for new trial complaining that his plea was involuntary because he had not been informed prior to entering his plea to the original offense that he could be sentenced to twenty-five years-to-life if the enhancement paragraphs in the indictment were proven true. The trial court granted the motion for new trial as to punishment only. Fifteen days after the original

judgment was entered, appellant signed a plea of true to the State's motion to adjudicate guilt, initialed the court's written admonishments and a recommendation that the trial court assess punishment at ten years confinement in the Institutional Division of the Texas Department of Criminal Justice, and signed a waiver of his right to appeal. On the same day, the trial court entered a new judgment adjudicating appellant's guilt and assessing punishment in accordance with the new agreement at ten years confinement. Appellant filed a general notice of appeal, asserting the trial court granted him permission to appeal due to other errors that might accrue.

On appeal, appellant contends the trial court lacked jurisdiction to render the second judgment adjudicating his guilt and the court erred in granting his motion for new trial as to punishment only. 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, §5b (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 for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed October 12, 2000.
Panel consists of Justices Anderson, Fowler, Edelman.
Do Not Publish — TEX. R. APP. P. 47.3(b).