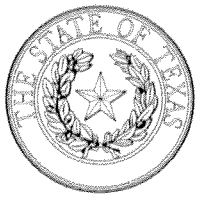
Appeal Dismissed, and Opinion Filed November 7, 2012



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-12-00611-CR

LACEDRICK LASHAWN SMITH, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 282nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F10-13114-S

MEMORANDUM OPINION

Before Justices Bridges, Richter, and Lang
Opinion by Justice Richter

Lacedrick Lashawn Smith pleaded guilty to unauthorized use of a motor vehicle. The trial court deferred adjudicating appellant's guilt and placed him on two years' community supervision. Although the State moved to adjudicate appellant's guilt, the trial court did not adjudicate appellant's guilt in this case and ultimately discharged appellant from community supervision.

The Court now has before it the State's motion to dismiss the appeal for want of jurisdiction. The State asserts appellant's April 6, 2012 notice of appeal is untimely as to the

order deferring adjudication of guilt and there was no judgment adjudicating guilt from which to appeal. Appellant did not respond to the motion. We agree we lack jurisdiction over the appeal.

Appellant's notice of appeal is filed-stamped April 6, 2012, which was the date he was sentenced following the adjudication of his guilt in two companion cases.[1] Therefore, the notice of appeal is untimely as to the December 20, 2010 order deferring adjudication of guilt. *See* TEX. R. APP. P. 26.2(a)(1) (notice of appeal due within thirty days). And, because the trial court did not adjudicate appellant's guilt, but continued him on community supervision until the April 12, 2012 order discharging him from supervision, there is no judgment from which to appeal. *See Basaldua v. State*, 558 S.W.2d 2, 5 (Tex. Crim. App. 1977). We grant the State's motion to dismiss the appeal.

We dismiss the appeal for want of jurisdiction.

MARTIN RICHTER
JUSTICE

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TEX. R. APP. P. 47

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[1] Those appeals are remain pending before the Court as cause nos. 05-12-00609-CR and 05-12-00610-CR, and are not impacted by this dismissal.

Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

LACEDRICK LASHAWN SMITH,
Appellant

No. 05-12-00611-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 282nd Judicial District Court of Dallas County, Texas (Tr.Ct.No. F10-13114-S).
Opinion delivered by Justice Richter, Justices Bridges and Lang participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered November 7, 2012.

MARTIN RICHTER
JUSTICE