

Dismissed and Opinion filed November 18, 1999.



In The
Fourteenth Court of Appeals

NO. 14-97-00377-CR

REGINALD KEITH NIX, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 182nd District Court
Harris County, Texas
Trial Court Cause No. 722,954**

O P I N I O N

Although Appellant Reginald Keith Nix attempts to appeal his one-year sentence for misdemeanor theft, because he filed his notice of appeal untimely, this court must dismiss the appeal for want of jurisdiction.

To appeal a criminal conviction, a defendant must file his notice of appeal within thirty days after the day the trial court imposes or suspends sentence in open court or after the day the court enters an appealable order. *See* TEX. R. APP. P. 26.2(a)(1).¹ When the

¹ Although when Appellant pled guilty former appellate rule 41(b)(1) was in effect, in all matters here
(continued...)

defendant is placed on deferred adjudication community supervision pursuant to a plea agreement, the defendant may raise issues relating to the original plea proceeding only in an appeal taken when the trial court first imposes deferred adjudication community supervision. *See* TEX. CODE CRIM. PROC. ANN. art. 44.01(j) (Vernon Supp. 1999); *Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999). The defendant may not wait to raise plea-related issues in an appeal from the revocation of deferred adjudication community supervision. *See* Article 44.01(j); *Manuel*, 994 S.W.2d at 661-62.

After Appellant pled no contest to misdemeanor theft on September 10, 1996, the trial court sentenced him to six months' deferred adjudication community supervision. On March 27, 1997, the court revoked Appellant's deferred adjudication community supervision and adjudicated his guilt. That same day, Appellant filed his general notice of appeal. This date, March 27, 1997, was more than thirty days after the imposition or suspension of the original sentence. In his appeal, Appellant complains (1) that the trial court did not inquire into whether he had knowingly and intelligently waived his right to counsel, (2) that the trial court violated the Code of Criminal Procedure and the state and federal constitutions by not advising him of the dangers of self-representation, and (3) that his waiver of a jury trial was invalid where the trial court initially did not appoint an attorney and where Appellant had not effectively waived counsel. These complaints all are related to Appellant's original September 10, 1996, plea. Because Appellant filed his notice of appeal more than thirty days after his sentence was imposed or suspended and because he attempts to raise issues relating only to the original plea proceeding, this court lacks jurisdiction to consider the appeal and must dismiss it. We dismiss the appeal for want of jurisdiction.

PER CURIAM

¹ (...continued)
relevant the former rule and the current rule are identical. We will refer to the current rule.

Judgment rendered and Opinion filed November 18, 1999.

Panel consists of Justices Amidei, Edelman, and Wittig.

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