

Dismissed and Opinion filed February 17, 2000.



In The

Fourteenth Court of Appeals

NO. 14-98-01128-CR

SHEILA YVETTE ADEJOKE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 262nd District Court
Harris County, Texas
Trial Court Cause No. 94-13333**

OPINION

Appellant, Sheila Yvette Adejoke, pleaded guilty to the felony offense of aggravated assault. See TEX. PEN. CODE ANN. § 22.02 (Vernon 1994). The trial court placed her on deferred adjudication probation for ten years. See TEX. CODE CRIM. PROC. ANN. Art. 42.12, §5 (Vernon Supp. 1998). The State subsequently filed a motion to adjudicate guilt. Appellant pleaded not true to the allegations. The court held a hearing on the motion, found the allegations true, and sentenced appellant to ten years in prison. Appellant raises one point or error. We dismiss for want of jurisdiction.

In her sole point of error, appellant complains that the trial court denied her motion for new trial without a hearing. The motion involved ineffective assistance from counsel claims during the hearing on the

State's motion to adjudicate guilt. However, under TEX. CODE CRIM. PROC. ANN. Art. 42.12, § 5 (Vernon Supp. 1998), appellant is prohibited from directly appealing the trial court's decision to proceed with her adjudication of guilt. *See Connolly v. State*, 983 S.W.2d 738, 740-741 (Tex. Crim. App. 1999). This prohibition of direct appeal includes challenges of basic due process rights, such as the right to counsel at the motion to adjudicate hearing. *See Phynes v. State*, 828 S.W.2d 1, 2 (Tex. Crim. App. 1992). Accordingly, we dismiss appellant's first point of error for want of jurisdiction.

Ross A. Sears
Justice

Judgment rendered and Opinion filed February 17, 2000 .
Panel consists of Justices Robertson, Sears, and Cannon* .
Do Not Publish — TEX. R. APP. P. 47.3(b).

* Senior Justices Sam Robertson, Ross A. Sears, and Bill Cannon sitting by assignment.