

COURT OF APPEALS FOR THE TENTH APPELLATE DISTRICT OF TEXAS

Daniel Lee East v. The State of Texas

No. 10-24-00378-CR (Tex. App.—Waco Jan. 29, 2026) · No. 10-24-00378-CR · Decided January 29, 2026

SUMMARY

The Tenth Court of Appeals of Texas held that the trial court lacked authority to execute Daniel Lee East's thirteen-month state-jail sentence because Texas law required suspension of the sentence and placement on community supervision under the circumstances. The court also held that East's purported waiver under Texas Code of Criminal Procedure article 1.14 could not confer authority on the trial court that the Legislature had not granted. Because East had apparently already served the sentence and the appellate court lacked an appropriate remedy under Texas Rule of Appellate Procedure 43.2, it affirmed the judgment.

CASE DETAILS

COURT	Court of Appeals for the Tenth Appellate District of Texas
WRITING FOR THE COURT	Justice Steve Smith; Chief Justice Johnson; Justice Harris
JURISDICTION	Court of Appeals for the Tenth Appellate District of Texas
DECIDED	January 29, 2026
DOCKET	10-24-00378-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	East appealed his conviction sentence, arguing that the trial court lacked authority to execute his thirteen-month state-jail sentence and that he had not knowingly and voluntarily waived mandatory community supervision. The State agreed that the case should be remanded for a new punishment hearing, but the court affirmed because East had already served the sentence and no authorized appellate disposition could provide the requested relief.
STANDARD OF REVIEW	The court reviewed the trial court's authority to impose the sentence as a matter of statutory interpretation and applied the governing legal rules to the undisputed record.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication and generally nonprecedential under Texas law.
PARTIES	Daniel Lee East v. The State of Texas

TOPICS

sentencing

criminal procedure

statutory interpretation

appellate procedure

remedies

PRACTICE AREAS

criminal procedure

sentencing

appellate procedure

statutory interpretation

remedies

QUESTIONS PRESENTED

1. Whether Texas Code of Criminal Procedure article 42A.551 required the trial court to suspend East's state-jail sentence and place him on community supervision.
2. Whether East's purported waiver under Texas Code of Criminal Procedure article 1.14 could confer authority on the trial court to execute a sentence that article 42A.551 required to be suspended.
3. What appellate remedy was available when the sentence term was lawful but the trial court improperly ordered it executed, and East had already served the sentence.

HOLDINGS

1. For a state-jail felony punished under Texas Penal Code section 12.35(a), article 42A.551(a) requires the judge to suspend imposition of the sentence and place the defendant on community supervision unless a statutory exception applies. Because no exception appeared in the record, the trial court lacked authority to order East's thirteen-month sentence executed.
2. A purported waiver of rights under article 1.14 could not confer authority on the trial court to execute a sentence when article 42A.551 did not grant that authority under the circumstances.
3. The court could not vacate, reverse and remand, reverse and render, or modify the judgment under the circumstances. Because the sentence term itself was lawful, East had already served it, and the trial court no longer had authority to suspend it, the court affirmed the judgment.

KEY QUOTATIONS

“the trial court had no discretion to impose the defendant’s sentence under the circumstances presented in this case.” (4)

“such waiver could not confer authority upon the trial court to impose a sentence of confinement when such authority was not granted by the Legislature in these circumstances.” (5)

“we are left with no choice but to affirm the judgment of the trial court.” (7)

FACTUAL BACKGROUND

East agreed to plead guilty in exchange for the State's recommendation of eighteen months of deferred-adjudication community supervision and a fine. After accepting his guilty plea but not the plea agreement, the trial court deferred adjudication and sentencing pending a presentence investigation. When the parties reconvened, the trial court treated East's failure to participate as voiding the plea bargain and imposed and ordered executed a thirteen-month state-jail sentence. The record indicated that East had already served the sentence by the time of the appeal.

PROCEDURAL HISTORY

East pleaded guilty to possession of methamphetamine in an amount of less than one gram. The trial court deferred adjudication and sentencing pending a presentence investigation, later treated East's failure to participate as rendering the plea bargain void, adjudicated him guilty, and imposed and ordered executed a thirteen-month state-jail sentence. On appeal, the court sustained East's first issue concerning the trial court's lack of authority to execute the sentence, overruled his second issue concerning waiver, and affirmed because East had already served the sentence.

DISPOSITION

affirmed

CASES CITED

- Jordan v. State, 979 S.W.2d 75 (Tex. App.—Austin 1998), aff'd, 36 S.W.3d 871 (Tex. Crim. App. 2001)
- Ex parte McJunkins, 954 S.W.2d 39 (Tex. Crim. App. 1997)
- Ex parte Lange, 85 U.S. 163, 174, 21 L.Ed. 872 (1873)
- Turner v. State, 31 S.W.2d 809, 810 (Tex. Crim. App. 1930)
- Vejar v. State, No. 07-12-00520-CR, 2014 WL 6765764 (Tex. App.—Amarillo Dec. 1, 2014, no pet.) (mem. op., not designated for publication)