



In The

Eleventh Court of Appeals

No. 11-16-00226-CR

TOBY JACK DAVEE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 42nd District Court
Taylor County, Texas
Trial Court Cause No. 26817A**

MEMORANDUM OPINION

Appellant, Toby Jack Davee, entered into a plea agreement with the State. He pleaded guilty to the offense of possession of methamphetamine and true to a felony enhancement allegation. The trial court assessed Appellant's punishment in accordance with the terms of his plea agreement at confinement for eight years. Appellant filed a pro se notice of appeal. We dismiss the appeal.

This court notified Appellant by letter dated August 11, 2016, that we had received information from the trial court indicating that this case stems from a plea

bargain and that Appellant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2), (d). We requested that Appellant respond and show grounds to continue the appeal. Appellant’s attorney has not filed a response, but we received a pro se response in which Appellant addresses the merits of his appeal. Nothing in his response shows grounds upon which this appeal may continue.

Rule 25.2(a)(2) provides that, in a plea bargain case in which the punishment does not exceed the punishment agreed to in the plea bargain, “a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court’s permission to appeal.” The documents on file in this appeal reflect that Appellant entered into a plea bargain, that his punishment was assessed in accordance with the plea bargain, and that the trial court has certified that Appellant has no right of appeal. The certification was signed by Appellant, Appellant’s counsel, and the judge of the trial court. The documents on file in this court support the trial court’s certification and show that Appellant has no right of appeal in this case. *See Dears v. State*, 154 S.W.3d 610, 613–14 (Tex. Crim. App. 2005). Accordingly, we must dismiss the appeal without further action. TEX. R. APP. P. 25.2(d); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

This appeal is dismissed.

PER CURIAM

August 31, 2016

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.