

Dismissed and Memorandum Opinion filed April 8, 2010.



In The

**Fourteenth Court of Appeals**

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**NO. 14-10-00050-CR**

**NO. 14-10-00056-CR**

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**TAJ GARNER, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 230th District Court  
Harris County, Texas  
Trial Court Cause Nos. 1216126 & 1216009**

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**MEMORANDUM OPINION**

Appellant entered pleas of guilty to two charges of aggravated robbery. Appellant and the State agreed that appellant's punishment would not exceed confinement in prison for more than 25 years. In accordance with the terms of this agreement with the State, the trial court sentenced appellant on January 5, 2010, to confinement for 20 years in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a timely, written notice of appeal. We dismiss the appeal.

An agreement that places a cap on punishment is a plea bargain for purposes of Texas Rule of Appellate Procedure 25.2(a)(2). *Waters v. State*, 124 S.W.3d 825, 826–27 (Tex. App.—Houston [14th Dist.] 2003, pet. ref’d). Because appellant’s plea was made pursuant to a plea bargain, he may appeal only matters raised by a written pre-trial motion or with the trial court’s permission. *See* Tex. R. App. P. 25.2(a)(2). Appellant is not appealing any pre-trial rulings. Although the trial court erroneously certified that these cases were not plea bargains and appellant had the right to appeal, the court corrected the erroneous certification in a hearing held pursuant to an abatement order of this court.

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Yates, Seymore, and Brown.

Do Not Publish — Tex. R. App. P. 47.2(b).