

Dismissed and Memorandum Opinion filed May 20, 2010.



In The

**Fourteenth Court of Appeals**

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**NO. 14-10-00294-CR**

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**JONATHON SCOTT OVERMAN, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from County Criminal Court at Law No. 11  
Harris County, Texas  
Trial Court Cause No. 1651130**

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**MEMORANDUM OPINION**

Appellant entered a plea of guilty/no contest to driving while intoxicated, second offense. Appellant and the State agreed that appellant's punishment would not exceed a fine of \$1,000 or confinement for more than one year in the Harris County Jail. In accordance with the terms of this agreement with the State, the trial court sentenced appellant on January 4, 2010, to confinement for one year in the Harris County Jail and assessed a fine of \$1,000. Appellant filed a timely notice of appeal. We dismiss the appeal.

The trial court entered a certification of the defendant's right to appeal in which the court certified that this is a plea bargain case, and the defendant has no right of appeal. *See* Tex. R. App. P. 25.2(a)(2). The trial court's certification is included in the record on appeal. *See* Tex. R. App. P. 25.2(d). An agreement that places a cap on punishment is a plea bargain for purposes of Texas Rule of Appellate Procedure 25.2(a)(2). *See Shankle v. State*, 119 S.W.3d 808, 813 (Tex. Crim. App. 2003). Accordingly, the record supports the trial court's certification. *See Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005).

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Brown, Sullivan and Christopher.

Do Not Publish — Tex.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