



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-20-00074-CR

MARION LEON ROSS, Appellant

v.

THE STATE OF TEXAS

On Appeal from the 415th District Court
Parker County, Texas
Trial Court No. CR19-0465

Before Gabriel, Kerr, and Birdwell, JJ.
Memorandum Opinion by Justice Gabriel

MEMORANDUM OPINION

Appellant Marion Leon Ross attempts to appeal his conviction for delivery of more than one gram but less than four grams of methamphetamine. Because Ross pleaded guilty under a plea-bargain agreement, which the trial court followed, and because the trial court certified that Ross has no right to appeal, we dismiss.

Under a plea-bargain agreement with the State, Ross pleaded guilty to delivery of methamphetamine and true to an enhancement paragraph. The trial court found Ross guilty of the offense and found the enhancement paragraph true. Following the terms of the plea agreement, the trial court sentenced Ross to twenty years' confinement. Ross filed a pro se notice of appeal, and the trial court certified that he had pleaded guilty under a plea-bargain agreement with no right to appeal. *See* Tex. Code Crim. Proc. Ann. art. 44.02; Tex. R. App. P. 25.2(a)(2).

We notified Ross of the certification and warned that we would dismiss the appeal unless we received a response showing grounds to continue it. *See* Tex. R. App. P. 25.2(d), 44.3. Ross responded but did not show grounds to continue the appeal in light of the trial court's certification.

The right to appeal a conviction arising from a plea-bargain agreement is limited to matters that were raised by written motion filed and ruled upon before trial or to cases in which the appellant has obtained the trial court's permission to appeal. *See* Tex. Code Crim. Proc. Ann. art. 44.02; Tex. R. App. P. 25.2(a)(2). The trial court's certification in this case does not show that Ross was granted permission to appeal,

nor does the record or Ross's response indicate that Ross intends to challenge a ruling on a written motion filed and ruled on before he pleaded guilty. Thus, we dismiss Ross's appeal in accordance with the trial court's certification. *See* Tex. R. App. P.25.2(d), 43.2(f).

/s/ Lee Gabriel

Lee Gabriel
Justice

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Tex. R. App. P. 47.2(b)

Delivered: April 23, 2020