

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-02-00355-CR

Nicholas Mearl Clark, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT
NO. 46,151, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

Nicholas Mearl Clark was placed on deferred adjudication community supervision after pleading guilty to sexual assault of a child. On January 3, 2002, the district court revoked supervision, adjudged Clark guilty, and imposed sentence of twelve years= imprisonment.

Clark=s notice of appeal, filed on June 4, was not timely. Tex. R. App. P. 26.2(a). In addition, the clerk=s record contains a written waiver of appeal signed by appellant and his attorney. This document, which reflects a knowing and voluntary waiver of the right to appeal, was signed on the day sentence was imposed in open court. A defendant who knowingly and intelligently waives his right to appeal may not thereafter appeal without the consent of the trial court. *Ex parte Dickey*, 543 S.W.2d 99 (Tex. Crim. App. 1976); *see also Hurd v. State*, 548 S.W.2d 388 (Tex. Crim. App. 1977); *Reed v. State*, 516 S.W.2d 680 (Tex. Crim. App. 1974). There is nothing in the record to indicate that appellant sought or obtained the permission of the trial court to pursue this appeal.

The appeal is dismissed.

Jan P. Patterson, Justice

Before Justices Kidd, Patterson and Puryear

Dismissed for Want of Jurisdiction

Filed: June 27, 2002

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