

Opinion filed March 3, 2017



In The

# **Eleventh Court of Appeals**

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**No. 11-17-00034-CR**

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**IVAN GARAY LOPEZ, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 35th District Court  
Brown County, Texas  
Trial Court Cause No. CR21461**

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## **MEMORANDUM OPINION**

Ivan Garay Lopez filed a notice of appeal from his conviction for the offense of delivery of a controlled substance in a drug-free zone. Upon docketing this appeal, the clerk of this court notified Appellant that we had received a copy of the judgment; the motion for new trial, which was not timely filed; the written admonitions to Appellant, which included a waiver of appeal; the notice of appeal, which was untimely in the absence of a timely filed motion for new trial; the certification of Appellant's right of appeal; and an order confirming that Appellant

did not obtain the trial court's permission to appeal. We requested that Appellant respond on or before February 21, 2017, and show grounds to continue the appeal. Appellant has not filed a response.

The trial court's written admonitions reflect that Appellant waived various rights. These waivers were signed by Appellant, his attorney, and the trial judge. Among the waivers is a "**WAIVER OF RIGHT OF APPEAL**" in which Appellant, "after having consulted with [his] attorney," acknowledged: "I voluntarily, knowingly and intelligently waive my right to appeal." Additionally, the trial court certified that Appellant had no right of appeal and that he had waived his right of appeal. Texas has "long held that a valid waiver of appeal prevents a defendant from appealing without the trial court's consent." *Monreal v. State*, 99 S.W.3d 615, 617 (Tex. Crim. App. 2003). A waiver of the right to appeal is valid if it was made voluntarily, knowingly, and intelligently. *Id.* We note also that the trial court has not given Appellant permission to appeal. We hold that the documents on file in this case reflect that Appellant waived his right to appeal. Accordingly, we dismiss this appeal without further action. *See id.* at 622–23; *see also* TEX. R. APP. P. 25.2(d).

This appeal is dismissed.

PER CURIAM

March 3, 2017

Do not publish.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

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