

Opinion filed November 29, 2018



In The

# Eleventh Court of Appeals

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No. 11-18-00279-CR

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**JAMES HOLLAND, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 42nd District Court  
Taylor County, Texas  
Trial Court Cause No. 26963A**

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## MEMORANDUM OPINION

Appellant, James Holland, entered into a plea agreement with the State and pleaded guilty to the offense of theft, a state jail felony. In accordance with the terms of the plea agreement, the trial court assessed Appellant's punishment at confinement for twenty months in a state jail facility. Appellant filed a pro se notice of appeal. We dismiss the appeal.

This court notified Appellant by letter that we had received information from the trial court that this is a plea bargain case in which Appellant has no right of

appeal. *See* TEX. R. APP. P. 25.2(a)(2), (d). We requested that Appellant respond and show grounds to continue the appeal. Appellant has not filed a response.

Rule 25.2(a)(2) provides that, in a plea bargain case in which the punishment does not exceed the punishment agreed to in the plea bargain, “a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court’s permission to appeal.” The documents on file in this appeal reflect that Appellant entered into a plea bargain, that his punishment was assessed in accordance with the plea bargain, and that Appellant waived his right of appeal. The trial court certified that Appellant has no right of appeal. Both the plea agreement and the trial court’s certification were signed by Appellant, Appellant’s counsel, and the judge of the trial court. The documents on file in this court support the trial court’s certification. *See Dears v. State*, 154 S.W.3d 610, 613–14 (Tex. Crim. App. 2005). Accordingly, we must dismiss this appeal without further action. TEX. R. APP. P. 25.2(d); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Accordingly, this appeal is dismissed.

PER CURIAM

November 29, 2018

Do not publish.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

Panel consists of: Bailey, C.J.,  
Willson, J., and Wright, S.C.J.<sup>1</sup>

Willson, J., not participating.

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<sup>1</sup>Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.