

Opinion filed July 18, 2019



In The
Eleventh Court of Appeals

No. 11-19-00197-CR

FRANCISCO VILLARREAL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 104th District Court
Taylor County, Texas
Trial Court Cause No. 21856B**

MEMORANDUM OPINION

Appellant, Francisco Villarreal, pleaded guilty to the offense of sexual assault of a child. Appellant entered into a plea agreement with the State and also waived his right to appeal. The trial court assessed Appellant's punishment pursuant to the plea agreement at confinement for eighteen years. 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 Appellant had waived his right of appeal and 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, (B) after getting the trial court’s permission to appeal, or (C) where the specific appeal is expressly authorized by statute.” The documents on file in this appeal reflect that Appellant entered into a plea bargain, that Appellant’s 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

July 18, 2019

Do not publish.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

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

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