

DISMISS; and Opinion Filed November 5, 2018.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-18-01310-CR

JOHN DAVID WYCHE, IV, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 397th Judicial District Court
Grayson County, Texas
Trial Court Cause No. 069057**

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Myers
Opinion by Justice Lang-Miers

John David Wyche, IV, appeals his conviction for possession of four grams or more but less than 200 grams of methamphetamine. Appellant, who was represented by counsel, entered into a negotiated plea bargain with the State in which he pleaded guilty to the offense and waived his right to appeal. *See Blanco v. State*, 18 S.W.3d 218, 219–20 (Tex. Crim. App. 2000). On April 11, 2018, the trial court accepted appellant’s guilty plea and assessed punishment at eight years in prison. The trial court prepared and signed a rule 25.2(d) certification concerning appellant’s right to appeal stating this “is a plea-bargain case, and [appellant] has NO right to appeal.” *See TEX. R. APP. P. 25.2(d)*.

To challenge his conviction, appellant had to file his notice of appeal with the trial court clerk within thirty days of the date sentence was imposed, that is, by May 11, 2018. *See TEX. R.*

APP. P. 26.2(a)(1). Appellant's October 22, 2018 notice of appeal was untimely, leaving us without jurisdiction over the appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998) (per curiam). Moreover, he waived his right to appeal in conjunction with the plea agreement. TEX. R. APP. P. 25.2(d), 26.2(a). Under these circumstances, we conclude we lack jurisdiction over this appeal.

We dismiss this appeal.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

JOHN DAVID WYCHE, IV, Appellant

No. 05-18-01310-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 397th Judicial District
Court, Grayson County, Texas
Trial Court Cause No. 069057.
Opinion delivered by Justice Lang-Miers,
Justices Fillmore and Myers participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal for want of jurisdiction.

Judgment entered this 5th day of November, 2018.