

**DISMISS and Opinion Filed August 6, 2020**



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

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**No. 05-20-00522-CR**

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**ULYSSES CHARLES DUNN, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the 203rd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F20-51955-P**

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**MEMORANDUM OPINION**

Before Chief Justice Burns, Justice Pedersen, III, and Justice Evans  
Opinion by Justice Evans

Ulysses Charles Dunn filed a notice of appeal to challenge his conviction for possession of less than one gram of cocaine. The trial court certified that appellant waived his right to appeal. Because the record supports the trial court's certification, we dismiss this appeal for want of jurisdiction.

The record shows appellant and the State entered into a written plea agreement in which appellant agreed to plead guilty and waive his right to appeal in exchange for being placed on deferred adjudication for three years. The plea agreement is signed by appellant, appellant's counsel, the prosecutor, and the trial court. The trial

court followed the plea agreement and, on April 21, 2020, placed appellant on deferred adjudication for three years.

That same day, appellant filed a notice of appeal which was forwarded to this Court on May 7, 2020, along with a copy of the judgment, the plea agreement, and the trial court's certification stating appellant did not have a right to appeal. In light of these documents, on June 19, 2020, the Court sent a letter questioning our jurisdiction. Both appellant and the State responded, agreeing that we lack jurisdiction because appellant pleaded guilty under a plea bargain agreement with the State and the trial court followed the terms of the plea bargain agreement.

Rule 25.2(a)(2) provides that in a plea-bargained case in which the trial court assesses punishment that does not exceed the punishment to which the defendant agreed, the defendant may appeal only those matters raised by written motion filed and ruled on before trial, after getting the trial court's permission to appeal, or if the appeal is specifically authorized by statute. *See* TEX. R. APP. P. 25.2(a)(2). The record does not show that appellant filed any pretrial motions. As the trial court's certification attests, appellant has not received the trial court's permission to appeal. There is no specific statutory authorization for appellant's appeal that would authorize an appeal in this case.

An appeal must be dismissed if a certification showing that the defendant has the right to appeal has not been made part of the record. *See* TEX. R. APP. P. 25.2(d); *Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005). In this case, the record

supports the trial court's certification stating the appeal is a plea-bargained case and appellant has no right to appeal. The record also shows appellant waived his right to appeal in exchange for valuable consideration from the State. Because appellant has no right to appeal, we must dismiss the appeal without further action. *See* TEX. R. APP. P. 25.2(d); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

We dismiss the appeal for want of jurisdiction.

/David Evans/  
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DAVID EVANS  
JUSTICE

Do Not Publish  
TEX. R. APP. P. 47.2(b)  
200522F.U05



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

**JUDGMENT**

ULYSSES CHARLES DUNN,  
Appellant

No. 05-20-00522-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 203rd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F20-51955-P.  
Opinion delivered by Justice Evans.  
Chief Justice Burns and Justice  
Pedersen, III participating.

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

Judgment entered August 6, 2020