

Dismiss and Opinion Filed October 21, 2021



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

No. 05-21-00648-CR

**MARCO XAVIER RAMIREZ, Appellant
v.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 296th Judicial District Court
Collin County, Texas
Trial Court Cause No. 296-82985-2020**

MEMORANDUM OPINION

Before Justices Molberg, Nowell, and Goldstein
Opinion by Justice Nowell

On July 20, 2021, Marco Xavier Ramirez filed a pro se notice of appeal, seeking to challenge his conviction for aggravated robbery with a deadly weapon. We dismiss this appeal for want of jurisdiction.

The clerk's record shows that appellant, who was represented by counsel, entered into a negotiated plea bargain with the State. Under the terms, appellant agreed to plead guilty to aggravated robbery with a deadly weapon, a firearm, and true to the enhancement paragraph in exchange for the State's agreement to recommend punishment at forty years. As further consideration for the plea bargain, appellant waived his right to appeal. *See Blanco v. State*, 18 S.W.3d 218, 219–20

(Tex. Crim. App. 2000). The trial court accepted appellant’s guilty plea, found appellant guilty, and, following the plea agreement, assessed punishment, enhanced by a prior felony conviction, at forty years in prison. The trial court prepared and signed a rule 25.2(d) certification of the right to appeal stating this “is a plea-bargain case, and [appellant] has NO right to appeal” and appellant “has waived the right of appeal.” See TEX. R. APP. P. 25.2(d). In addition, the trial court noted in the judgment, “APPEAL WAIVED. NO PERMISSION TO APPEAL GRANTED.” The certification is supported by the documents before the Court. See *Dears v. State*, 154 S.W.3d 610, 614–15 (Tex. Crim. App. 2005). Because appellant waived his right to appeal under the clear terms of the plea agreement, we conclude we lack jurisdiction. See TEX. R. APP. P. 25.2(a), (d); *Lundgren v. State*, 434 S.W.3d 594, 599 (Tex. Crim. App. 2014) (when appellant voluntarily waives right of appeal to secure benefits of plea bargain agreement, subsequent notice of appeal fails to “initiate the appellate process”).

We dismiss the appeal for want of jurisdiction.

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TEX. R. APP. P. 47.2(b)

/Erin A. Nowell//
ERIN A. NOWELL
JUSTICE



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

JUDGMENT

MARCO XAVIER RAMIREZ,
Appellant

No. 05-21-00648-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 296th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 296-82985-
2020.

Opinion delivered by Justice Nowell.
Justices Molberg and Goldstein
participating.

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

Judgment entered this 21st day of October, 2021.