

Opinion issued August 7, 2008



**In The
Court of Appeals
For The
First District of Texas**

NO. 01-07-00403-CR

LARRY CHARLES DAVIS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 228th District Court
Harris County, Texas
Trial Court Cause No. 1110227**

MEMORANDUM OPINION

We lack jurisdiction to hear this appeal. Appellant entered a guilty plea¹ to the offense of offense of unlawful labeling. Along with the plea, appellant, appellant's counsel, and the State signed a stipulation of evidence, in each case, which included, among others, the following statements: "I intend to enter a plea of guilty and understand that the prosecutor will recommend that my punishment should be set at two years TDC; I agree to that recommendation . . . Further, I waive my right of appeal which I may have should the court accept the foregoing plea bargain agreement between myself and the prosecutor." The trial court's judgment is stamped, "Appeal waived. No permission to appeal granted."

In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to confinement for two years. On June 2, 2008, the trial court entered a certification of the defendant's right to appeal in each of the above cases that states: "I, judge of the trial court, certify this criminal case is a plea-bargain case, and the defendant has no right of appeal." *See* TEX. R. APP. P. 25.2(a). The certification contains the signature of the trial court judge, the defendant and the defendant's counsel.

Additionally, the record before this court contains a document styled "Advice of Defendant's Right to Appeal" that is signed and sworn to by the appellant and

¹ The record reflects that the appellant waived the right to have a court reporter record the plea proceedings.

states in part: “ Texas law gives a defendant convicted of a crime the right to appeal his conviction. If you pled guilty or no contest and accepted the punishment recommended by the prosecutor, . . . you cannot appeal your conviction unless this Court gives you permission. If you waived or gave up your right to appeal, you cannot appeal your conviction.”

After the trial court sentenced appellant to punishment that fell within the terms of the plea bargain agreement in each case, the trial court certified in each case that the case is a plea-bargain case and the defendant has no right to appeal. Appellant filed a notice of appeal but did not request the trial court’s permission to appeal any pre-trial matters, and the trial court did not give permission for appellant to appeal. This appeal followed.

We conclude that the certification of the right of appeal filed by the trial court in each case is supported by the record and that appellant has no right of appeal due to the agreed plea bargains. TEX. R. APP. P. 25.2(a). Because appellant has no right of appeal, we must dismiss this appeals “without further action.” *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Accordingly, the appeal is dismissed for lack of jurisdiction.

Any pending motions are denied as moot.

PER CURIAM

Panel consists of Justices Taft, Jennings, and Bland.

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