

**Opinion issued June 26, 2008**



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

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**NO. 01-07-00723-CR**

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**KEITH ANTHONY PAYTON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 230th District Court  
Harris County, Texas  
Trial Court Cause No. 1127762**

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**MEMORANDUM OPINION**

Keith Anthony Payton, appellant, appeals his conviction for possession of cocaine. Specifically, he contends that his guilty plea was the result of misleading

information, that he is an “unwitting victim of duress or ignorance,” and that his plea was involuntary. We dismiss for want of jurisdiction.

### **Jurisdiction**

We must dismiss an appeal if a certification showing that the defendant has the right to appeal is not made a part of the appellate record. TEX. R. APP. P. 25.2(d); *Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005). The trial court’s “Certification of Defendant’s Rights of Appeal” indicates that this is “a plea bargain case, and defendant has NO right of appeal.” In plea bargain cases, Rule 25.2(a)(2) specifies the limits on the right to appeal and the trial court’s duty to consider those limits in the certification. Specifically,

[i]n a plea bargain case—that is, a case in which defendant’s plea is guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant—a defendant may appeal only:

- (A) those matters that were raised by written motion filed and ruled on before trial, or
- (B) after getting the trial court’s permission to appeal.

*Dears*, 154 S.W.3d at 613. Appellant negotiated a guilty plea, and the punishment does not exceed the agreed punishment; therefore, appellant has not met either of the requirements.

## **Conclusion**

We dismiss the case for lack of jurisdiction.

George C. Hanks, Jr.  
Justice

Panel consists of Justices Nuchia, Alcalá, and Hanks.

Do not publish.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