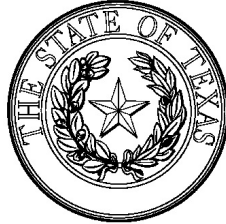


Opinion issued September 11, 2008



In The
Court of Appeals
For The
First District of Texas

NO. 01-08-00329-CR

ROBERT HARREL BELL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 400th District Court
Fort Bend County, Texas
Trial Court Cause No. 46914**

MEMORANDUM OPINION

We lack jurisdiction to hear this appeal. Appellant, Robert Harrell Bell,

pleaded guilty to the offense of accident involving personal injury or death, and, in accordance with his plea bargain agreement with the State, the trial court sentenced appellant to confinement for four years. Contemporaneously with his plea of guilty, appellant, appellant's counsel, and the prosecutor signed a plea agreement packet that contained a written stipulation of evidence, judicial confession, and defendant's waiver of right to appeal that stated in part:

The attorney for the State will recommend to the Court that my punishment be assessed at the following: four (4) years confinement TDCJ-ID plus costs. I agree and accept that recommendation and have entered into a plea bargain agreement for such recommendation...

I voluntarily waive my right to file a motion for new trial, a motion in arrest of judgment, a notice of appeal, right to have any evidence retained for DNA analysis, or any right to appeal that I may have in this cause of action.

After the trial court sentenced appellant to punishment that fell within the terms of the plea bargain agreement, the trial court certified that this case is a plea-bargain case and the defendant has no right to appeal. The trial court also certified that appellant had waived his right of appeal. Appellant 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.¹

¹ We note that the trial court's certification also states that appellant has waived his
(continued...)

We conclude that the certification of the right of appeal filed by the trial court is supported by the record. TEX. R. APP. P. 25.2(a). Because appellant has no right of appeal, we must dismiss this appeal “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 Chief Justice Radack, and Justices Nuchia and Higley.

Do not publish.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

¹ (...continued)

right to appeal. One way to indicate that a waiver of appeal is knowingly and intelligently made is for "the actual punishment of maximum punishment to have been determined by a plea agreement when the waiver was made. *See Ex parte Delaney*, 207 S.W. 3d 794, (Tex. Crim. App. 2006). Appellant Bell signed plea papers that state the agreed punishment of confinement for four years. In the case before this Court, the record reflects that the trial court followed the plea agreement, and that Bell’s waiver of appeal was made at the time of sentencing. These facts are sufficient to show a valid waiver of the right to appeal because they show that the waiver was made voluntarily, knowingly, and intelligently. *Id.* at 799.