

Opinion issued March 31, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-00829-CR

DERRICK BERNARD HANDY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 1263995**

MEMORANDUM OPINION

Appellant pleaded guilty to the offense of theft and, in accordance with the plea bargain agreement, the trial court sentenced appellant to confinement for 2 years. Appellant filed a timely notice of appeal. We dismiss for lack of jurisdiction.

In a plea-bargained case in which the punishment assessed does not exceed the plea agreement, a defendant may appeal only those matters that were raised by

written motion filed and ruled on before trial, or after obtaining the trial court's permission to appeal. *Griffin v. State*, 145 S.W.3d 645, 648-49 (Tex. Crim. App. 2004); *Cooper v. State*, 45 S.W.3d 77, 80 (Tex. Crim. App. 2001); TEX. R. APP. P. 25.2(a)(2).

The trial court's certification of appellant's right to appeal in this case states that this is a plea-bargained case and appellant has no right to appeal. The record supports the correctness of the certification. *Dears v. State*, 154 S.W.3d 610, 614-15 (Tex. Crim. App. 2005). We must dismiss an appeal if the trial court's certification shows there is no right to appeal. *See* TEX. R. APP. P. 25.2(d).

Accordingly, we dismiss the appeal for lack of jurisdiction.

We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Bland and Brown.

Do not publish.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