

**Opinion issued March 3, 2011.**



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

---

**NO. 01-10-01088-CR**

---

**CHARLES THORNTON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

---

**On Appeal from the 248th District Court  
Harris County, Texas  
Trial Court Cause No. 1275285**

---

**MEMORANDUM OPINION**

Appellant, Charles Thornton, pleaded guilty to the offense of felony theft and pleaded “true” to the allegations in two felony enhancement paragraphs. The trial court found appellant guilty, found the enhancements true, and, in accordance with

the terms of appellant's plea agreement with the State, sentenced appellant to confinement for 5 years. Appellant filed a pro se notice of appeal. We dismiss the appeal.

In a plea-bargain case, a defendant may appeal only those matters that were raised by written motion filed and ruled on before trial, or after getting the trial court's permission to appeal. TEX. R. APP. P. 25.2(a)(2). An appeal must be dismissed if a certification showing that the defendant has the right of appeal has not been made part of the record. TEX. R. APP. P. 25.2(d).

Here, the trial court's certification is included in the record on appeal. *See id.* The trial court's certification states that this is a plea-bargain case and that the defendant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2). Appellant did not appeal any pre-trial matters, and the trial court did not give permission for appellant to appeal. *See id.* The record supports the trial court's certification. *See Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005). Because appellant has no right of appeal, we must dismiss this appeal. *See Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006) ("A court of appeals, while having jurisdiction to ascertain whether an appellant who plea-bargained is permitted to appeal by Rule 25.2(a)(2), must dismiss a prohibited appeal without further action, regardless of the basis for the appeal.").

Accordingly, we dismiss the appeal for want of jurisdiction. All pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Keyes, Sharp, and Massengale.

Do not publish.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