

**Opinion issued August 11, 2011.**



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

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**NO. 01-11-00496-CR**

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**DAVID WAYNE CHARLES, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 262nd District Court  
Harris County, Texas  
Trial Court Cause No. 1300911**

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**MEMORANDUM OPINION**

Appellant, David Wayne Charles, pleaded guilty to the offense of delivery of a controlled substance, and, in accordance with his plea bargain agreement with the State, the trial court sentenced appellant to confinement for two 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 Justices Jennings, Bland, and Massengale.

Do not publish.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