

Opinion issued October 27, 2011.



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

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**NO. 01-11-00659-CR**  
**NO. 01-11-00660-CR**  
**NO. 01-11-00661-CR**

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**DAVID WAYNE SMITH, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 230th District Court  
Harris County, Texas  
Trial Court Cause Nos. 1280274, 1280275, and 1280276**

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**MEMORANDUM OPINION**

Appellant, David Wayne Smith, pleaded guilty to three counts of the offense of aggravated sexual assault of a child under 14 years of age. The trial court found appellant guilty, and, in accordance with the terms of appellant's plea bargain

agreements with the State, sentenced appellant to 25 years' confinement. Appellant filed a pro se notice of appeal. We dismiss the appeals.

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 certifications are included in the records on appeal. *See id.* The trial court's certifications state that these are plea bargain cases 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. The records support the trial court's certifications. *See Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005). Because appellant has no right of appeal, we must dismiss these appeals. *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 appeals for want of jurisdiction. We dismiss any pending motions as moot.

**PER CURIAM**

Panel consists of Justices Keyes, Higley, and Massengale.

Do not publish.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