

Opinion issued August 9, 2012



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

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**NO. 01-12-00306-CR**

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**DANIEL BAIREs, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 263rd District Court  
Harris County, Texas  
Trial Court Cause No. 1286904**

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**MEMORANDUM OPINION**

Appellant, Daniel Baires, pleaded guilty to the felony offense of sexual assault of a child.<sup>1</sup> The trial court found appellant guilty and, in accordance with the terms of appellant's plea agreement with the State, sentenced appellant to

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<sup>1</sup> See TEX. PENAL CODE ANN. § 22.011(a)(2)(c) (West 2011).

confinement for five. Appellant filed a *pro se* notice of appeal. We dismiss the appeal.

In a plea-bargained case, a defendant may only appeal 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. CODE CRIM. PROC. ANN. art. 44.02 (West 2006); 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-bargained case and the defendant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2). 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. We dismiss all pending motions as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Jennings and Keyes.

Do not publish.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