

Opinion issued April 8, 2014



In The
Court of Appeals
For The
First District of Texas

NO. 01-13-00382-CR

RONALD LEE LAYMAN, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 239th District Court
Brazoria County, Texas
Trial Court Case No. 68809

MEMORANDUM OPINION

Appellant, Ronald Lee Layman, pleaded guilty to the felony offense of driving while intoxicated—third or more.¹ The trial court found Layman guilty and, in accordance with the terms of his plea bargain agreement with the State,

¹ See TEX. PENAL CODE ANN. § 49.09(b)(2) (West 2011).

sentenced him to four years of community supervision and assessed a \$500 fine. Acting *pro se*, Layman filed a notice of appeal. The State has filed a motion to dismiss this appeal for want of jurisdiction. We grant the State's motion and dismiss the appeal.

In a plea bargain 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. *See* 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. *See* 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. 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 any pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Bland, and Brown.

Do not publish.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