

Opinion issued July 31, 2014



In The
Court of Appeals
For The
First District of Texas

NO. 01-14-00433-CR

MARVIN GAY ROBERSON, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 182nd District Court
Harris County, Texas
Trial Court Case No. 1403348

MEMORANDUM OPINION

Appellant, Marvin Gay Roberson, pleaded guilty to the felony offense of burglary of a habitation¹ and pleaded true to the allegations in a felony

¹ See TEX. PENAL CODE ANN. § 30.02(a)(1), (c)(2) (West 2011).

enhancement paragraph.² The trial court found appellant guilty, found the enhancement true, and, in accordance with the terms of appellant's plea bargain agreement with the State, sentenced appellant to twelve years' confinement. Appellant filed a *pro se* notice of appeal. We 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. 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 bargain case and that 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

² *See* TEX. PENAL CODE ANN. § 12.42(b) (West Supp. 2013).

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 Chief Justice Radack and Justices Higley and Brown.

Do not publish.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