

Opinion issued November 18, 2014



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

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NO. 01-14-00674-CR

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**FILEMON ALFARO-PRIETO, Appellant**  
**V.**  
**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 179th District Court**  
**Harris County, Texas**  
**Trial Court Case No. 1367359**

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**MEMORANDUM OPINION**

Appellant, Filemon Alfaro-Prieto, pleaded guilty to the felony offense of aggravated assault of a child under the age of 14. *See* TEX. PENAL CODE ANN. § 22.021(B) (West 20141). The trial court found appellant guilty of the charge, and, in accordance with the terms of appellant's plea bargain agreements with the

State, sentenced appellant to confinement for 18 years. 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 records support 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 the 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 Chief Justice Radack and Justices Bland and Huddle.

Do not publish.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