

Opinion issued October 4, 2016



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

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NO. 01-15-00623-CR

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**ELOY VALE MARTINEZ, Appellant**  
**V.**  
**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 230th District Court**  
**Harris County, Texas**  
**Trial Court Case No. 1444863**

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**MEMORANDUM OPINION**

Appellant, Eloy Vale Martinez, pursuant to an agreement with the State, pleaded guilty to the felony offense of aggravated robbery with a deadly weapon.<sup>1</sup>

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<sup>1</sup> See TEX. PENAL CODE ANN. § 29.03(a)(2) (West 2011).

The trial court accepted the plea agreement, found appellant guilty, and assessed his punishment at confinement for twenty-five years. The trial court further certified that this is a plea-bargain case and appellant has no right of appeal. Appellant filed a pro se notice of appeal. We dismiss the appeal.

In a plea-bargained case, a defendant may appeal only those matters that were raised by written motion and ruled on before trial or after obtaining 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). Here, the trial court's certification is included in the record and states that this is a plea-bargain case and appellant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2), (d). The record supports the trial court's certification. *See Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005). Appellant does not complain about a pre-trial motion and does not have permission to appeal. 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 Justices Bland, Massengale, and Lloyd.

Do not publish.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