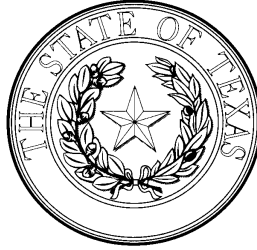


Opinion issued June 14, 2018



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

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NO. 01-17-00974-CR

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**DERRICK MURPHY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 262nd District Court  
Harris County, Texas  
Trial Court Case No. 1557838**

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**MEMORANDUM OPINION**

Appellant Derrick Murphy pleaded guilty to the misdemeanor offense of DWI, second offense. *See* TEX. PENAL CODE §§ 49.04, 49.09. In accordance with the terms of a plea bargain agreement, the trial court signed a judgment of conviction

imposing a sentence of one year in the Harris County jail, probated for two years. Murphy filed a timely notice of appeal.

In a plea bargain case, a defendant may appeal only matters raised by a written motion that was filed and ruled upon before trial, or after obtaining the trial court's permission to appeal. TEX. CODE CRIM. PROC. art. 44.02; 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 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 Massengale.

Do not publish.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