

Opinion issued August 30, 2018



In The
Court of Appeals
For The
First District of Texas

NO. 01-18-00328-CR

NACHIELI ZEPEDA-GARCIA, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 178th District Court
Harris County, Texas
Trial Court Case No. 1563064

MEMORANDUM OPINION

Appellant Nachieli Zepeda-Garcia pleaded guilty to the felony offense of assault. *See* TEX. PENAL CODE § 22.01. In accordance with the terms of a plea-bargain agreement, the trial court signed a judgment of conviction imposing a two-year prison sentence. Appellant filed a notice of appeal.

In a plea bargain case, a defendant may appeal only (1) matters raised by a written motion filed and ruled upon before trial or (2) after obtaining the trial court's permission to appeal. TEX. CODE CRIM. PROC. art. 44.02; TEX. R. APP. P. 25.2(a)(2). Here, neither applies.

The trial court's certification states that this is a plea bargain case and the defendant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2). The record supports this conclusion. *See Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005). Accordingly, we dismiss. *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.”).

We dismiss the appeal. We also dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Jennings, Higley, and Massengale.

Do not publish.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