

Dismissed and Memorandum Opinion filed February 25, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00013-CR

JOSHUA DEANGELO CASSARO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 174th District Court
Harris County, Texas
Trial Court Cause No. 1219422**

MEMORANDUM OPINION

Appellant entered a guilty plea to assault causing bodily injury to a family member. In accordance with the terms of a plea bargain agreement with the State, on June 19, 2009, the trial court deferred a finding of guilt and placed appellant on community supervision for four years and assessed a \$100 fine. The State subsequently moved to adjudicate appellant's guilt, and appellant entered a plea of true. On December 15, 2009, the trial court adjudicated appellant's guilt and sentenced him to confinement for two years in the

Institutional Division of the Texas Department of Criminal Justice and assessed a \$100 fine.

Appellant filed a pro se notice of appeal. The trial court entered a certification of the defendant's right to appeal in which the court certified 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 trial court's certification is included in the record on appeal. *See* Tex. R. App. P. 25.2(d).

In a plea-bargain case for deferred adjudication community supervision, the plea bargain is complete at the time the defendant enters his plea of guilty in exchange for deferred adjudication community supervision. *Hargesheimer v. State*, 182 S.W.3d 906 (Tex. Crim. App. 2006). As part of appellant's agreement to plead true, he expressly waived any right to appeal with the understanding that the State would recommend a two-year sentence and a \$100 fine. A waiver of the right to appeal, negotiated in exchange for a specified punishment, will prevent a defendant from appealing without the consent of the trial court. *See Monreal v. State*, 99 S.W.3d 615, 617 (Tex. Crim. App. 2003). Therefore, because appellant has no right of appeal in this case, we need not request correction of the trial court's certification. *See Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005).

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.
Do Not Publish — Tex. R. App. P. 47.2(b).