

Dismissed and Memorandum Opinion filed February 9, 2016.



In The

Fourteenth Court of Appeals

NO. 14-15-01063-CR

CHARLES D. SPEAKER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause No. 1397067**

M E M O R A N D U M O P I N I O N

Appellant was indicted for aggravated sexual assault of a child under fourteen years of age, a first-degree felony. Tex. Penal Code Ann. § 22.021(f) (West Supp. 2015). Pursuant to a charge bargain, the State agreed to reduce the charge in exchange for appellant's guilty plea to indecency with a child by contact, a second-degree felony for which the punishment range is two to twenty years and a fine not to exceed \$10,000. Tex. Penal Code Ann. § 12.33 (West 2011). The trial

court sentenced appellant to fifteen years in prison. Appellant filed a timely notice of appeal. We dismiss the appeal.

Appellant entered into a plea bargain agreement that put a cap on the punishment he could receive. Because this is a charge-bargain case, appellant has the right to appeal under Texas Rule of Appellate Procedure 25.2(a)(2), only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after receiving the trial court’s permission to appeal. *Kennedy v. State*, 297 S.W.3d 338, 340–41 (Tex. Crim. App. 2009); *see also Shankle v. State*, 119 S.W.3d 808, 812–13 (Tex. Crim. App. 2003) (holding that charge bargain that “effectively puts a cap on punishment” is a bargain governed by rule of appellate procedure 25.2(a)(2)). The record does not reflect the trial court’s permission to appeal or any pretrial motions that could be appealed.

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Jamison, Donovan, and Brown.
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