

Dismissed and Memorandum Opinion filed March 10, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00015-CR

IRMA PEREZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause No. 1416208**

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

Appellant was indicted for murder. Pursuant to a charge bargain, the State agreed to reduce the charge in exchange for appellant's guilty plea to reckless injury to a child. The trial court sentenced appellant to fifteen years in prison. Appellant filed a timely notice of appeal. We dismiss the appeal.

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 any pretrial motions that could be appealed and the trial court did not give permission to 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). The record supports 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 Justices Jamison, Donovan and Brown.
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