



In The

Fourteenth Court of Appeals

**NO. 14-16-00383-CR
NO. 14-16-00385-CR
NO. 14-16-00386-CR**

JAMES ELLIS BARNETT, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 209th District Court
Harris County, Texas
Trial Court Cause Nos. 1379997, 1379998, 1379999**

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

Appellant, James Ellis Barnett, Jr., entered a plea of guilty to two charges of aggravated kidnapping and one charge of burglary of a habitation with intent to commit aggravated sexual assault. Appellant and the State agreed that appellant's punishment on each charge would not exceed confinement in prison for more than 45 years. In accordance with the terms of this agreement with the State, on March 11, 2016, the trial court sentenced appellant on each charge to confinement for 45

years in the Institutional Division of the Texas Department of Criminal Justice, the sentences to run concurrently. Appellant filed timely, written notices of appeal. We dismiss the appeals.

The trial court entered certifications of the defendant's right to appeal in which the court certified that these are plea bargain cases and the defendant has no right of appeal. *See* Tex. R. App. P. 25.2(a)(2). An agreement that places a cap on punishment is a plea bargain for purposes of Texas Rule of Appellate Procedure 25.2(a)(2). *Shankle v. State*, 119 S.W.3d 808, 813 (Tex. Crim. App. 2003) (stating sentence-bargaining may be for recommendations to the court on sentences, including a recommended "cap" on sentencing).

Because appellant's plea was made pursuant to a plea bargain, he may appeal only matters raised by a written pre-trial motion or with the trial court's permission. *See* Tex. R. App. P. 25.2(a)(2). The record does not contain any appealable, pre-trial rulings.

Accordingly, we **DISMISS** the appeal.

PER CURIAM

Panel consists of Justices Boyce, Christopher, and Jamison.
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