

Dismissed and Memorandum Opinion filed January 10, 2017.



In The

Fourteenth Court of Appeals

NO. 14-16-00887-CR

FRANCISCO CASTILLO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 184th District Court
Harris County, Texas
Trial Court Cause No. 1516911**

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

Appellant Francisco Castillo entered a plea of guilty to aggravated sexual assault of a child under the age of 14. Appellant and the State agreed that appellant's punishment would not exceed confinement in prison for more than 30 years. In accordance with the terms of this agreement with the State, on October 18, 2016, the trial court sentenced appellant to confinement for 30 years in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a timely, written notice of appeal. We dismiss the appeal.

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) (sentence bargaining may be for recommendations to the court on sentences, including a recommended “cap” on sentencing). 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 record supports the certification.

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 Christopher, Jamison, and Donovan.
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