

**Dismissed and Memorandum Opinion filed June 1, 2017.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-16-00915-CR**

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**BYRON LEMAN DICKERSON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 338th District Court  
Harris County, Texas  
Trial Court Cause No. 1471363**

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

Appellant entered a plea of guilty to aggravated robbery with a deadly weapon. Appellant and the State agreed that appellant's punishment would not exceed confinement in prison for more than 25 years. In accordance with the terms of this agreement with the State, the trial court sentenced appellant to confinement for 20 years in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a timely, written notice of appeal. We dismiss the 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).

An agreement that places a cap on punishment is a plea bargain for purposes of Texas Rule of Appellate Procedure 25.2(a)(2). *Waters v. State*, 124 S.W.3d 825, 826–27 (Tex. App.—Houston [14th Dist.] 2003, pet. ref'd) (holding reviewing court lacked jurisdiction where defendant pled guilty with a sentencing cap of ten years, even though trial judge mistakenly certified defendant had right of appeal); *see also 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 pretrial motion or with the trial court's permission. *See* Tex. R. App. P. 25.2(a)(2). Appellant does not challenge any pretrial rulings, nor did appellant obtain the trial court's permission to appeal.

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Christopher, Brown, and Wise.

Do Not Publish — Tex. R. App. P. 47.2(b).