

Motion Granted; Appeal Dismissed and Memorandum Opinion filed July 11, 2017



In The

Fourteenth Court of Appeals

NO. 14-17-00424-CR

RAYMOND DESMOND MURRAY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 74155**

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

Appellant was indicted for aggravated assault of a public servant. Following a jury's finding of guilt, appellant entered into a plea bargain agreement in which he agreed to plead guilty and waive his right to appeal in exchange for a sentence of seven years' confinement. In accordance with the terms of a plea bargain agreement, the trial court sentenced appellant to confinement for seven years in the Institutional

Division of the Texas Department of Criminal Justice. Appellant filed a pro se notice of appeal.

The trial court entered a certification of the defendant's right to appeal in which the court certified that appellant waived his 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). Appellant's waiver reflects that he entered into an agreement with the State after a jury found him guilty. Appellant waived the right of appeal knowing with certainty the punishment that would be assessed. *See Blanco v. State*, 18 S.W.3d 218, 219 (Tex. Crim. App. 2000) (holding waiver of right to appeal is valid if appellant knows with certainty the punishment that will be assessed).

The State filed a motion to dismiss the appeal for want of jurisdiction. Appellant filed a response to the State's motion in which he argues that this court has jurisdiction over his appeal of pretrial motions that were ruled on prior to trial. However, a defendant may waive the right to appeal pretrial motions if the waiver is made "voluntarily, knowingly, and intelligently." *See Marsh v. State*, 444 S.W.3d 654, 660 (Tex. Crim. App. 2014). When a defendant waives his right of appeal as part of an agreement on sentencing and the agreement is followed by the court, his waiver is made knowingly, intelligently, and voluntarily. *See Ex parte Delaney*, 207 S.W.3d 794, 798–99 (Tex. Crim. App. 2006). The record reflects that appellant voluntarily, knowingly, and intelligently waived his right of appeal. The State's motion to dismiss is granted.

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Boyce, Donovan, and Jewell.

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