

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00160-CR

BEATRIZ NOYOLA-NAVARRO, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law No. 5
Montgomery County, Texas
Trial Cause No. 13-286349

MEMORANDUM OPINION

Beatriz Noyola-Navarro appeals her conviction for driving while intoxicated, a class B misdemeanor. Tex. Penal Code Ann. § 49.04(a), (b) (West Supp. 2016).¹ Before trial, Noyola-Navarro filed a motion to suppress evidence, claiming that no probable cause existed to warrant the police stopping her car, which resulted in her arrest for driving while intoxicated. The trial court denied

¹ We cite the current version of the Texas Penal Code, as any amendments to the provisions at issue do not affect the outcome of this appeal.

Noyola-Navarro's motion to suppress. Based on her plea agreement with the State, the trial court, immediately after ruling on the motion to suppress, proceeded to hear Noyola-Navarro's plea. In accordance with Noyola-Navarro's plea-bargain agreement with the State, she pled guilty to driving while intoxicated, and the court sentenced her to three days in the Montgomery County Jail, imposed a \$1,000 fine, and ordered that Noyola-Navarro pay court costs. Subsequently, the trial court certified that Noyola-Navarro's case was a plea-bargain case and gave Noyola-Navarro the right to appeal only as to matters "raised by written motion filed and rule[d] on before trial and not withdrawn or waived[.]" *See* Tex. Code Crim. Proc. Ann. art. 44.02 (West 2006); Tex. R. App. P. 25.2(a)(2). The clerk's record includes a copy of the trial court's certification regarding Noyola-Navarro's right to appeal.

On appeal, Noyola-Navarro presents two issues challenging the voluntariness of her plea and the sufficiency of the evidence to support her conviction. However, in her appeal, Noyola-Navarro does not raise any issues that argue the trial court should have granted her motion to suppress. Significantly, the trial court's certification regarding Noyola-Navarro's right to appeal did not allow Noyola-Navarro to raise issues beyond the scope of the matters the trial court certified for appeal, and the two issues that Noyola-Navarro argues in her brief are

wholly unrelated to her motion to suppress, which was the only pretrial motion that she filed.

Section 44.02 of the Texas Code of Criminal Procedure authorizes trial courts to restrict a defendant's right to appeal to those matters raised in pretrial motions on which the defendant secures a ruling. *See* Tex. Code Crim. Proc. Ann. art. 44.02. Because the trial court did not authorize Noyola-Navarro to appeal the matters she challenges in the two issues she raises in her brief and she did not secure a ruling prior to trial on them, the two issues on which she seeks our review were not properly preserved for review. *See Goyzueta v. State*, 266 S.W.3d 126, 136 (Tex. App.—Fort Worth 2008, no pet.). We overrule issues one and two, and we affirm the trial court's judgment.

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on February 1, 2016
Opinion Delivered November 2, 2016
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.