



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-17-00318-CR

ROBIN LEANNE MATTHEWS

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 1 OF TARRANT COUNTY
TRIAL COURT NO. 1482885D

MEMORANDUM OPINION¹

Appellant Robin Leanne Matthews attempts to appeal her conviction for possession of a controlled substance (GHB) in an amount of more than four grams and less than 200 grams. See Tex. Health & Safety Code Ann. § 481.102 (West Supp. 2017), § 481.115(d) (West 2017).

¹See Tex. R. App. P. 47.4.

After Appellant filed her notice of appeal with this court but before the reporter's record was filed, Appellant's retained counsel filed a motion to withdraw, suggestion of indigency, and motion to appoint counsel on appeal. We abated the appeal and remanded the case to the trial court for a hearing to determine whether Appellant desired to continue her appeal and, if so, whether Appellant desired to proceed pro se or was indigent and in need of appointed counsel.

At the hearing on remand, the State argued that Appellant was not entitled to appellate counsel because the conviction was entered pursuant to a plea bargain in which the State agreed to waive a habitual offender enhancement in exchange for Appellant's guilty plea. Appellant's counsel acknowledged that Appellant "received the benefit of the bargain" by the waiver of the habitual enhancement. The trial court agreed and found that Appellant waived her right to appeal when she entered into the plea bargain.²

In accordance with the trial court's certification and its affirmation during the hearing on remand that Appellant waived her right to appeal, we dismiss this appeal. See Tex. R. App. P. 25.2(d), 43.2(f). We also dismiss Appellant's

²The trial court's certification of Appellant's right to appeal also states that Appellant waived her right of appeal. See Tex. R. App. P. 25.2(d).

motion to withdraw, suggestion of indigency, and motion to appoint counsel on appeal as moot.

PER CURIAM

PANEL: SUDDERTH, C.J.; WALKER and MEIER, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: January 11, 2018