



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

NO. 02-18-00004-CR

ALEJANDRO SALAZAR

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 3 OF TARRANT COUNTY
TRIAL COURT NO. 1313460D

MEMORANDUM OPINION¹

Alejandro Salazar has filed a pro se notice of appeal from the trial court's order adjudicating him guilty of assault against a public servant and sentencing him to three years' confinement. Pursuant to an agreement with the State, Salazar pleaded true to four allegations in the motion to adjudicate in exchange for the State's three-year punishment recommendation. He signed written plea

¹See Tex. R. App. P. 47.4.

admonishments that included a waiver of the right of appeal. The trial court’s certification of Salazar’s right to appeal has an “X” next to the “plea-bargain case” option and a checkmark next to the “has waived the right of appeal” option.

Rule 25.2(a)(2) does not restrict the right of appeal when a defendant pleads true to one or more allegations in a petition to adjudicate. Tex. R. App. P. 25.2(a); *Hargesheimer v. State*, 182 S.W.3d 906, 911–12 (Tex. Crim. App. 2006). But if a defendant pleads true and signs a waiver of the right of appeal in exchange for the State’s punishment recommendation—and the trial court follows the recommendation—the waiver is binding. See *Blanco v. State*, 18 S.W.3d 218, 219–20 (Tex. Crim. App. 2000); *Jackson v. State*, 168 S.W.3d 239, 242–43 (Tex. App.—Fort Worth 2005, no pet.); cf. *Ex parte Delaney*, 207 S.W.3d 794, 797–98 (Tex. Crim. App. 2006) (explaining that when defendant waives right of appeal in exchange for recommended sentence that trial court subsequently follows, “any possible source of error” during sentencing is removed). Because Salazar waived his right to appeal the trial court’s order of adjudication, we dismiss the appeal. See Tex. R. App. P. 25.2(d), 43.2(f); *Jackson*, 168 S.W.3d at 243.

PER CURIAM

PANEL: BIRDWELL, J.; SUDDERTH, C.J.; and WALKER, J.

DO NOT PUBLISH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

DELIVERED: March 15, 2018