



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-19-00064-CR
No. 07-19-00065-CR

TRAMETRIA HAWKINS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 364th District Court
Lubbock County, Texas
Trial Court Nos. 2017-412,104 & 2018-414,045, Honorable William R. Eichman II, Presiding

April 22, 2019

MEMORANDUM OPINION

Before QUINN, CJ., and CAMPBELL and PIRTLE, JJ.

Pursuant to plea-bargain agreements, appellant Trametria Hawkins pled guilty to two offenses of theft. The trial court accepted the plea bargains, convicted appellant, sentenced her in conformance with the bargains, and entered its judgments manifesting the convictions. Appellant appealed each conviction. We dismiss the appeals because she has no right of appeal.

"A court of appeals, while having jurisdiction to ascertain whether an appellant who plea-bargained is permitted to appeal by Rule 25.2(a)(2), must dismiss a prohibited

appeal without further action, regardless of the basis for the appeal.” *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006). In a plea bargain case, the appellant may only appeal those matters that were raised by written motion filed and ruled on before trial or after getting the trial court’s permission to appeal. TEX. CODE CRIM. PROC. ANN. art. 44.02 (West 2018); TEX. R. APP. P. 25.2(a)(2); *Robinson v. State*, No. 01-18-01076-CR, 2019 Tex. App. LEXIS 2615, at *1 (Tex. App.—Houston [1st Dist.] Apr. 2, 2019, no pet.) (per curiam) (mem. op., not designated for publication); *Anderson v. State*, No. 07-17-00090-CR, 2017 Tex. App. LEXIS 8780, at *4 (Tex. App.—Amarillo Sept. 15, 2017, no pet.) (per curiam) (mem. op., not designated for publication). Furthermore, the trial court issued certificates of right to appeal revealing that appellant had no right to appeal because the convictions arose from plea-bargains. See TEX. R. APP. P. 25.2(d) (stating that without a certification evincing that the appellant has the right to appeal, the appeal must be dismissed). The parties were notified of these circumstances and afforded opportunity to illustrate why the appeals should continue. Each filed a written response. Their responses coupled with the limited record before us confirm the trial court’s representations in its certificates of right to appeal.

The underlying cases were plea-bargain cases. Moreover, appellant indicates that she desires to appeal the trial court rulings related to her motions for new trial and motions for post-conviction bond. Neither of those motions are the pretrial matters within the exception to article 44.02 and Rule 25.2(a)(2). See TEX. CODE CRIM. PROC. ANN. art. 44.02; TEX. R. APP. P. 25.2(a)(2). Furthermore, appellant’s reference to our opinion in *Champion v. State*, 126 S.W.3d 686 (Tex. App.—Amarillo 2004, pet. ref’d), is of no benefit to her. *Champion* did not involve plea-bargain cases. Had it, then the result would have

differed as we commented in footnote 4. See *id.* at 691, n.4 (observing that “[h]ad appellant’s guilty pleas been given as part of a plea bargain, he would be precluded from challenging the voluntariness of his plea”); *accord Anderson*, 2017 Tex. App. LEXIS 8780, at *4 (stating that the voluntariness of a plea in a plea-bargained case may not be raised on direct appeal).

The obligation to dismiss also extends to claims of involuntariness posed within the framework of ineffective assistance of counsel. *Gobea v. State*, No. 02-06-00459-CR, 2007 Tex. App. LEXIS 7286, at *3-4 (Tex. App.—Fort Worth Aug. 31, 2007, pet. ref’d) (per curiam) (mem. op., not designated for publication) (involving an ineffective assistance claim); *Davis v. State*, 205 S.W.3d 606, 607 (Tex. App.—Waco 2006, no pet.) (per curiam) (involving same); *Whitfield v. State*, 111 S.W.3d 786, 790 (Tex. App.—Eastland 2003, pet. ref’d) (involving same). The same is no less true when regarding a complaint about being denied bail or bond pending appeal. See *Ellis v. State*, No. 02-04-00332-CR, 2004 Tex. App. LEXIS 10499, at *2 (Tex. App.—Fort Worth Nov. 24, 2004, no pet.) (per curiam) (mem. op., not designated for publication) (involving the denial of bond pending appeal). Indeed, the topic of release on bond pending appeal is rather moot if the appellant has no right of appeal.

Being plea-bargain cases and given the absence of Rule 25.2 certificates indicating that appellant has the right to appeal, the appeals are dismissed for want of jurisdiction.

Brian Quinn
Chief Justice

Do not publish.