



IN THE
TENTH COURT OF APPEALS

No. 10-13-00099-CR

JOHN PETER PULLIS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the County Court at Law No. 1
McLennan County, Texas
Trial Court No. 2012-0889-CR1

MEMORANDUM OPINION

John Peter Pullis was charged with the misdemeanor offense of violation of a protective order. TEX. PENAL CODE ANN. § 25.07 (West Supp. 2012). It appears from the clerk's record that, after a jury found him guilty, Pullis entered a plea of guilty with the benefit of a plea bargain agreement. He was sentenced in accordance with the plea bargain to 275 days in jail.

As a condition of the plea bargain, Pullis was required to waive his right to appeal. Pullis also signed a waiver of his right to appeal, and the trial court noted on the "Trial Court's Certification of Defendant's Right to Appeal" that Pullis had no right

of appeal and waived his right to appeal. Pullis and his attorney signed the plea bargain agreement, the waiver of appeal, and the trial court's certification. However, less than a month later, Pullis' attorney filed a notice of appeal.

The State has moved to dismiss this appeal because Pullis waived his right to appeal and the certification indicates that he had no right to appeal and waived his right to appeal. *See* TEX. R. APP. P. 25.2(d); *Monreal v. State*, 99 S.W.3d 615, 622 (Tex. Crim. App. 2003) (a valid waiver of appeal, whether negotiated or not, will prevent a defendant from appealing without the consent of the trial court).

According to the clerk's record, Pullis does not have the trial court's consent to appeal. Further, there is no certificate in the record showing Pullis' right to appeal. The Clerk of this Court notified Pullis by letter dated April 10, 2013 that his appeal would be dismissed unless a response was filed showing grounds for continuing the appeal. No response has been filed.

The State's motion to dismiss is granted, and this appeal is dismissed. *See* TEX. R. APP. P. 25.2(d).

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed June 13, 2013
Do not publish
[CR25]