



IN THE  
TENTH COURT OF APPEALS

\_\_\_\_\_  
No. 10-18-00308-CR

CHRISTOPHER L. ATHEY,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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From the 54th District Court  
McLennan County, Texas  
Trial Court No. 2017-1862-C2

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MEMORANDUM OPINION

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Christopher L. Athey appeals from the judgment of conviction and sentence rendered against him on August 31, 2018. Citing Texas Rule of Appellate Procedure 25.2(a)(2), Athey states in his *pro se* notice of appeal that even though he accepted a plea bargain, he plans to appeal those matters that he raised by written motion filed and ruled on before trial. *See* TEX. R. APP. P. 25.2(a)(2). Athey, however, has waived the right of appeal, including “appealing matters raised by written motion prior to trial.” Furthermore, because the trial court’s certification of his right of appeal, which Athey

signed, indicates that the underlying case was a plea-bargain case and that Athey has no right of appeal and also that Athey has waived his right of appeal, this appeal must be dismissed. *See id.* R. 25.2(d) (“The appeal must be dismissed if a certification that shows the defendant has the right of appeal has not been made part of the record under these rules.”); *Monreal v. State*, 99 S.W.3d 615, 622 (Tex. Crim. App. 2003) (waiver of appeal).

Notwithstanding that we are dismissing this appeal, Athey may file a motion for rehearing with this Court within 15 days after this opinion and judgment are rendered if he believes this opinion and judgment are erroneously based on inaccurate information or documents. *See* TEX. R. APP. P. 49.1. Moreover, if Athey desires to have the opinion and judgment of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within 30 days after either the day this Court’s judgment is rendered or the day the last timely motion for rehearing is overruled by this Court. *See id.* R. 68.2(a).

For the reasons stated, this appeal is dismissed.

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal dismissed  
Opinion delivered and filed November 7, 2018  
Do not publish  
[CR25]

