

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-01-00221-CR

Steven Kirk Hill, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT
NO. 51,559, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

PER CURIAM

Appellant Steven Kirk Hill pleaded guilty to aggravated assault. *See* Tex. Penal Code Ann. § 22.02 (West 1994). The district court adjudged him guilty and imposed sentence of imprisonment for fourteen years.

The clerk's record contains a written waiver of appeal signed by appellant and his attorney. This document, which reflects a knowing and voluntary waiver of the right to appeal, was signed after sentence was imposed in open court. A defendant who knowingly and intelligently waives his right to appeal may not thereafter appeal without the consent of the trial court. *Ex parte Dickey*, 543 S.W.2d 99 (Tex. Crim. App. 1976); *see also Hurd v. State*, 548 S.W.2d 388 (Tex. Crim. App. 1977); *Reed v. State*, 516 S.W.2d 680 (Tex. Crim. App. 1974). There is nothing in the record to indicate that appellant sought or obtained the permission of the trial court to pursue this appeal. Furthermore, appellant's motion for new trial and notice of appeal were not timely filed. *See*

Tex. R. App. P. 21.4(a), 26.2(a); *see also Slaton v. State*, 981 S.W.2d 208 (Tex. Crim. App. 1998);
Olivo v. State, 918 S.W.2d 519, 522-23 (Tex. Crim. App. 1996).

The appeal is dismissed.

Before Chief Justice Aboussie, Justices Yeakel and Patterson

Dismissed for Want of Jurisdiction

Filed: May 10, 2001

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