

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-01-00368-CR

Anthony Bernard Ware, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT
NO. 20,088-CR, HONORABLE EDWARD P. MAGRE, JUDGE PRESIDING**

Appellant Anthony Bernard Ware pleaded guilty to possessing less than four grams of cocaine. *See* Tex. Health & Safety Code Ann. ' 481.115(a), (c) (West Supp. 2002). The district court adjudged appellant guilty and, pursuant to a plea bargain, assessed punishment at imprisonment for eight years, suspended imposition of sentence, and placed him on community supervision. In his only point of error, appellant contends the court erred by overruling his pretrial motion to suppress evidence.

In its reply brief, the State draws the Court's attention to a written waiver of appeal signed by appellant, his attorney, and the trial judge that appears in the clerk's record. This document, which reflects a knowing and voluntary waiver of the right to appeal, was signed on the day sentence was suspended in open court. A defendant who knowingly and intelligently waives his right to appeal may not thereafter appeal without the trial court's consent. *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.

The appeal is dismissed.

Lee Yeakel, Justice

Before Chief Justice Aboussie, Justices B. A. Smith and Yeakel

Dismissed

Filed: April 25, 2002

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