

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-09-00327-CR  
NO. 03-09-00328-CR**

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**Steven Dwayne Mitchell, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT  
NOS. 63640 & 64163, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Steven Dwayne Mitchell was convicted on a plea of guilty to charges of evading arrest with a motor vehicle with a deadly weapon and possession of four grams or more but less than two hundred grams of a controlled substance. *See* Tex. Penal Code Ann. § 38.04 (West 2003) (evading arrest); Tex. Health & Safety Code Ann. § 481.115 (West 2003). The court sentenced him to ten years and fourteen years in prison for the respective offenses, with the terms to be served concurrently. He now seeks to appeal.

The trial court has certified that: (1) this is a plea bargain case and Mitchell has no right of appeal, and (2) Mitchell waived the right of appeal. The appeal is dismissed. *See* Tex. R. App. P. 25.2(a)(2), (d). At the trial court in both cases, Mitchell signed a document entitled Disclosure of Plea Recommendations. Mitchell was sentenced in accordance with the recommendations. At the trial court in both cases, Mitchell signed a document entitled Waiver of

Motion for New Trial and Motion in Arrest of Judgment and Waiver of Right to Appeal that states in relevant part as follows: “COMES NOW the defendant in person and in open court together with his attorney and would show the court as follows: . . . (5) That he does not wish to appeal his conviction and expressly waives his right to appeal.”

Because a certification that appellant has a right to appeal has not been made part of the record, this appeal is dismissed. *See* Tex. R. App. P. 25.2(a)(2), (d).

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G. Alan Waldrop, Justice

Before Chief Justice Jones, Justices Waldrop and Henson

Dismissed

Filed: July 14, 2009

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