

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-17-00823-CR
NO. 03-17-00824-CR
NO. 03-17-00825-CR
NO. 03-17-00826-CR**

Michael Shawn Smith, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NOS. 77422, 77423, 77424, & 77425
THE HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Michael Shawn Smith pled guilty to two charges of burglary of a vehicle with two or more previous convictions. *See* Tex. Penal Code § 33.04(a) (defining offense of burglary of vehicle), (d)(2)(A) (elevating offense to state jail felony if defendant has been previously convicted of burglary of vehicle two or more times). Pursuant to section 12.45 of the Penal Code, the trial court took into account two additional charges of burglary of a vehicle with two or more previous convictions when determining appellant’s sentence. *See id.* § 12.45 (allowing trial court to take into account unadjudicated offenses when determining sentence for offense of which defendant has been adjudicated guilty). Appellant subsequently filed a notice of appeal in each of the four cases—the two cases relating to the adjudicated offenses that resulted in a judgment of

conviction as well as the two cases relating to the unadjudicated offenses that were considered by the trial court in the sentencing for the adjudicated offenses.

The trial court has certified in each of these cases that: (1) this is a plea bargain case and appellant has no right of appeal, and (2) appellant waived the right of appeal. Accordingly, the appeals are dismissed. *See* Tex. R. App. P. 25.2(a)(2), (d).

Melissa Goodwin, Justice

Before Chief Justice Rose, Justices Goodwin and Field

Dismissed for Want of Jurisdiction

Filed: January 10, 2018

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