

**NO. 12-13-00040-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***GARY HALLIGAN,  
APPELLANT***

§

***APPEAL FROM THE 7TH***

***V.***

§

***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,  
APPELLEE***

§

***SMITH COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

Appellant, Gary Halligan, pleaded guilty to the offense of burglary of a vehicle. Appellant and his counsel signed written plea admonishments, an agreement to stipulate testimony, a judicial confession, and a plea bargain agreement that included an agreed punishment recommendation. The trial court sentenced Appellant to imprisonment for five years, and certified that this “is a plea bargain case, and the defendant has no right of appeal[.]” The trial court’s certification is signed by the trial court, Appellant, and Appellant’s counsel. *See* TEX. R. APP. P. 25.2(a)(2).

Texas Rule of Appellate Procedure 25.2(a)(2) limits a defendant’s right to appeal in a plea bargain case when he pleads guilty and his punishment does not exceed the punishment recommended by the prosecutor and agreed to by the defendant. *See id.* Under those circumstances, the defendant may appeal only (1) matters raised by written motion and ruled on before trial or (2) after getting the trial court’s permission to appeal. *Id.* Here, the trial court sentenced Appellant in accordance with the agreed recommendation by the State. The trial court did not give Appellant permission to appeal, and the clerk’s record does not contain any pretrial

motions. Therefore, we conclude that the certification of the right of appeal filed by the trial court is supported by the record and that Appellant has no right to appeal because he was sentenced pursuant to the agreed terms of a plea bargain and did not satisfy either of the exceptions stated in Rule 25.2(a)(2).<sup>1</sup> Accordingly, we *dismiss* the appeal “without further action.” See *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Opinion delivered April 24, 2013.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)

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<sup>1</sup> Appellant also expressly waived his right to appeal.



**COURT OF APPEALS  
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS  
JUDGMENT**

**APRIL 24, 2013**

**NO. 12-13-00040-CR**

**GARY HALLIGAN,**

Appellant

V.

**THE STATE OF TEXAS,**

Appellee

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Appeal from the 7th Judicial District Court  
of Smith County, Texas. (Tr.Ct.No. 007-1417-12)

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THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*