

NO. 12-14-00347-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

JARED DAVID MCEWEN,
APPELLANT

§ *APPEAL FROM THE 114TH*

V.

§ *JUDICIAL DISTRICT COURT*

THE STATE OF TEXAS,
APPELLEE

§ *SMITH COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

Appellant, Jared David McEwen, pleaded guilty to the offense of possession of a controlled substance. Appellant, his counsel, and counsel for the State signed an agreed punishment recommendation. The trial court 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* TEX. R. APP. P. 25.2(a)(2). 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 granted the sole pretrial motion filed by Appellant. Therefore, we conclude that the trial court’s certification is supported by the record and Appellant has no right to appeal. Accordingly, we *dismiss* the appeal “without further action.” *See Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Opinion delivered December 17, 2014.

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

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

DECEMBER 17, 2014

NO. 12-14-00347-CR

JARED DAVID MCEWEN,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 114th District Court
of Smith County, Texas (Tr.Ct.No. 114-0781-14)

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.