

**NO. 12-14-00340-CR
NO. 12-14-00341-CR**

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>DANZEL RASHAD WARREN, APPELLANT</i>	§	<i>APPEAL FROM THE 114TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS, APPELLEE</i>	§	<i>SMITH COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

Appellant, Danzel Rashad Warren, pleaded guilty to aggravated robbery in two separate cause numbers and was sentenced to twenty-five years of imprisonment on each charge. Appellant now attempts to appeal the conviction in each cause number, but the trial court has certified in each appeal that this “is a plea-bargain case, and the defendant has no right of appeal[.]” Each 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 each case in accordance with the agreed recommendation by the State. The trial court did not give Appellant permission to appeal, and Appellant did not file any pretrial motions. Therefore, we conclude that the certification of the right of appeal filed by the trial court in each appeal 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). Accordingly, we *dismiss* the appeals “without further action.” See *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Opinion delivered January 30, 2015.

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

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

JANUARY 30, 2015

NO. 12-14-00340-CR

DANZEL RASHAD WARREN,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 114th District Court
of Smith County, Texas (Tr.Ct.No. 114-1136-14)

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., Hoyle, J. and Neeley, J.



COURT OF APPEALS

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JANUARY 30, 2015

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Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 114th District Court
of Smith County, Texas (Tr.Ct.No.114-1137-14)

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., Hoyle, J. and Neeley, J.