

NO. 12-15-00127-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*SHAWN ANDERSON,
APPELLANT*

§ *APPEAL FROM THE 7TH*

V.

§ *JUDICIAL DISTRICT COURT*

*THE STATE OF TEXAS,
APPELLEE*

§ *SMITH COUNTY, TEXAS*

***MEMORANDUM OPINION
PER CURIAM***

Pursuant to a plea bargain agreement with the State, Appellant, Shawn Anderson, pleaded guilty to the offense of aggravated sexual assault. Appellant, his counsel, and counsel for the State signed various documents relating to the plea, including an agreed punishment recommendation of imprisonment for twenty-five years. In accordance with the plea agreement, the trial court sentenced Appellant to imprisonment for twenty-five years. The trial court also certified to this court that this is a plea bargain case, and Appellant has no right to appeal. The 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 did not give Appellant permission to appeal, and the trial court did not rule on 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.¹ Accordingly, we *dismiss* the appeal “without further action.” See *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Opinion delivered May 20, 2015.

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

(DO NOT PUBLISH)

¹ Under the terms of the plea bargain agreement, Appellant expressly waived the right to appeal.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MAY 20, 2015

NO. 12-15-00127-CR

SHAWN ANDERSON,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 7th District Court
of Smith County, Texas (Tr.Ct.No. 007-1622-14)

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.