



## Berry v. State

2010 | Cited 0 times | Court of Appeals of Texas | July 19, 2010

DISMISS

### MEMORANDUM OPINION

Before Justices Richter, Lang-Miers, and Myers

Roger Lee Berry waived a jury and entered a negotiated guilty plea to theft and with two prior theft convictions. The trial court assessed the agreed punishment of confinement in a state jail facility for 180 days and a \$1500 fine. As part of the plea agreement, appellant waived his right to appeal. See *Blanco v. State*, 18 S.W.3d 218 (Tex. Crim. App. 2000).

The trial court issued a rule 25.2(d) certification showing appellant has no right to appeal due to the plea agreement. See Tex. R. App. P. 25.2. The record supports the trial court's certification. See *Dears v. State*, 154 S.W.3d 610, 614-15 (Tex. Crim. App. 2005); *Mercer v. State*, 262 S.W.3d 810, 811 (Tex. App.-Houston [1st Dist.] 2008, no pet.).

Appellant entered into a plea agreement and waived his right to appeal. The record does not contain any rulings on pretrial motions that would serve as a basis for appeal. See Tex. R. App. P. 25.2(a)(2); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006) (explaining analysis courts of appeals undertake in determining appellate rights of plea-bargaining defendants).

We dismiss the appeal for want of jurisdiction.

LANA MYERS JUSTICE

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