

Dismissed and Opinion filed January 31, 2002.



In The

Fourteenth Court of Appeals

NO. 14-00-00700-CR

MANUEL RODRIGUEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from 185th District Court
Harris County, Texas
Trial Court Cause No. 213,971**

MEMORANDUM OPINION

Appellant Manuel Rodriguez was charged with murder. He pleaded guilty and, pursuant to a plea bargain, received seven years' confinement in the Texas Department of Criminal Justice–Institutional Division (TDCJ). In two points of error, appellant contends (1) no record exists as to when a valid indictment was returned and (2) he was denied the constitutional right to a speedy trial. In its brief, the State moved to dismiss this appeal citing appellant's signed waiver of the right to appeal. Finding appellant expressly waived his right to appeal, we dismiss this appeal for want of jurisdiction.

Appellant signed plea papers that contained the following waiver: “. . . I waive any right of appeal which I may have should the court accept the foregoing plea bargain agreement between myself and the prosecutor.” As part of the plea bargain, the State recommended seven years’ confinement in the TDCJ, which the trial court followed in sentencing appellant. Appellant bargained for the prosecutor’s recommendation on sentencing and in exchange gave up his right to appeal, conditioned on the trial court assessing punishment at seven (and presumably fewer) years’ confinement. We hold appellant to his bargain. *See Blanco v. State*, 18 S.W.3d 218, 219–20 (Tex. Crim. App. 2000); *Alzarka v. State*, 60 S.W.3d 203, 206 (Tex. App.—Houston [14th Dist.] 2001, pet. granted). The waiver was effective and requires dismissal of the appeal.

Accordingly, we grant the State’s motion and dismiss this appeal for want of jurisdiction.

/s/ Charles W. Seymore
Justice

Judgment rendered and Opinion filed January 31, 2002.

Panel consists of Chief Justice Brister and Justices Fowler and Seymore.

Do Not Publish — TEX. R. APP. P. 47.3(b).