

Dismissed and Opinion filed February 14, 2002.



In The
Fourteenth Court of Appeals

NO. 14-02-00071-CR

DOROTHY ANN JONES, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Criminal Court at Law No. 4
Harris County, Texas
Trial Court Cause No. 1044285**

MEMORANDUM OPINION

Appellant pled guilty to the misdemeanor offense of driving while intoxicated on October 3, 2001. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to 180 days in the Harris County Jail and a \$750 fine, with the sentence suspended and appellant placed on community supervision for 18 months. As part of the plea bargain agreement, appellant signed a written waiver of her right to appeal. Because appellant has waived her right to appeal, we dismiss.

Appellant pled guilty and the trial court followed the plea bargain agreement in assessing punishment. Despite having waived the right to appeal, appellant filed a notice

of appeal stating that the trial court had granted permission to appeal. Appellant chose to enter into an agreement that included a waiver of the right to appeal. Appellant was informed of her right to appeal, knew with certainty the punishment she would receive, and that she could withdraw her plea if the trial court did not act in accordance with the plea agreement. As appellant was fully aware of the consequences when she waived her right to appeal, it is “not unfair to expect [her] to live with those consequences now.” *Alzarka v. State*, 60 S.W.3d 203, 206 (Tex. App.—Houston [14th Dist.] July 26, 2001, pet. filed September 28, 2001) (quoting *Mabry v. Johnson*, 467 U.S. 504, 104 S.Ct. 2543, 2547-48, 81 L.Ed.2d 437 (1984)). See also *Blanco v. State*, 18 S.W.3d 218, 219-20 (Tex. Crim. App. 2000); *Buck v. State*, 45 S.W.3d 275, 278 (Tex. App.—Houston [1st Dist.] 2001, no pet.). Although the trial court noted on the judgment that a notice of appeal was filed on October 18, 2001, this notation stated “motion only,” and the trial court did not strike through the written waiver of appeal. Accordingly, we do not find that the trial court’s notation on the judgment concerning the filing of a notice of appeal affected appellant’s waiver of her right to appeal.

Accordingly, we dismiss the appeal.

PER CURIAM

Judgment rendered and Opinion filed February 14, 2002.

Panel consists of Justices Yates, Seymore, and Guzman.

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