

Dismissed and Opinion filed February 14, 2002.



In The

Fourteenth Court of Appeals

NO. 14-02-00111-CR

HERBERT MARSHALL HOUSTON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Criminal Court at Law No. 13
Harris County, Texas
Trial Court Cause No. 1090634**

MEMORANDUM OPINION

Appellant pled guilty to the misdemeanor offense of theft on December 6, 2001. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to one hundred days in the Harris County Jail. As part of the plea bargain agreement, appellant signed a written waiver of his right to appeal. Because appellant has waived his 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. Appellant chose to enter into an agreement that included a waiver of the right to

appeal. Appellant was informed of his right to appeal, knew with certainty the punishment he would receive, and that he could withdraw his plea if the trial court did not act in accordance with the plea agreement. As appellant was fully aware of the consequences when he waived his right to appeal, it is “not unfair to expect him 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.).

Accordingly, we dismiss the appeal.

PER CURIAM

Judgment rendered and Opinion filed February 14, 2002.

Panel consists of Justices Hudson, Fowler, and Edelman.

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