

Dismissed and Opinion filed March 14, 2001.



In The
Fourteenth Court of Appeals

NO. 14-00-00846-CR

AUDI PHONG NGUYEN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause No. 841,577**

OPINION

Appellant pled guilty to aggravated robbery on April 25, 2000. In accordance with the terms his plea bargain agreement with the State, the trial court sentenced appellant to 38 years' imprisonment. 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.] 2001, pet. granted) (quoting *Mabry v. Johnson*, 467 U.S. 504, 511 (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.

/s/ J. Harvey Hudson
Justice

Judgment rendered and Opinion filed March 14, 2002.

Panel consists of Justices Hudson, Fowler, and Edelman.

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