

Dismissed and Opinion filed January 3, 2002.



In The
Fourteenth Court of Appeals

NO. 14-01-01222-CR

JOEY GERONIMO ROGERS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 180th District Court
Harris County, Texas
Trial Court Cause No. 769,619**

MEMORANDUM OPINION

Appellant entered a plea of guilty to the offense of the offense of aggravated robbery. On February 25, 1998, a finding of guilty of deferred and he was placed on community supervision. for ten years. The State moved to adjudicate guilt, and appellant entered a plea of true to the State's Motion. On October 5, 2001, in accordance with a plea bargain agreement with the State, the court sentenced appellant to confinement for six years in the Institutional Division of the Texas Department of Criminal Justice. 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*, No. 14-00-00837-CR, 2001 WL 837602, **3 (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 January 3, 2002.

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

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