

Dismissed and Opinion filed February 14, 2002.



In The
Fourteenth Court of Appeals

NO. 14-01-01093-CR

JOSE RUBEN TREVINO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 262nd District Court
Harris County, Texas
Trial Court Cause No. 764,856**

MEMORANDUM OPINION

Appellant entered a guilty plea to the offense of aggravated sexual assault of a child. The parties agreed that punishment would be assessed at not less than six years and no more than sixteen years confinement in the Institutional Division of the Texas Department of Criminal Justice. On September 19, 2001, the trial court sentenced appellant to confinement for fourteen years. As part of appellant's plea, he 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 parties' 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 range of punishment he could 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 Chief Justice Brister and Justices Anderson and Frost.

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