

Opinion filed April 26, 2012



In The

Eleventh Court of Appeals

No. 11-12-00088-CR

KELLY PATRICK AMOS, Appellant

V.

STATE OF TEXAS, Appellee

On Appeal from the 385th District Court

Midland County, Texas

Trial Court Cause No. CR38802

MEMORANDUM OPINION

Kelly Patrick Amos filed a pro se notice of appeal. Upon reviewing the file in this case, this court notified appellant by letter dated April 5, 2012, that the trial court had certified that appellant had no right of appeal and that appellant had waived his right of appeal. *See* TEX. R. APP. P. 25.2(a)(2), (d). We requested that appellant respond and show grounds to continue the appeal. Appellant has responded and requests that his appeal be continued based upon the injurious pretrial conduct of his trial counsel. We dismiss the appeal.

The clerk's record indicates that appellant was charged with two counts of theft of property, that he entered into a plea bargain agreement with the State in each count, that he signed in each count a written waiver of his right to appeal, and that he pleaded guilty to both counts. The trial court assessed punishment pursuant to the terms of the plea bargain in each count at confinement in a state jail facility for fourteen months. Thus, the trial court's certification in each count is supported by the record and is not defective. *See Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005). These certifications reflect that appellant has no right to appeal and also that he waived his right to appeal. Because appellant's appeal is prohibited by Rule 25.2, we must dismiss the appeal without further action. Rule 25.2(d); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Accordingly, this appeal is dismissed.

PER CURIAM

April 26, 2012

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,
McCall, J., and Kalenak, J.