

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

Nos. 04-08-00411-CR & 04-08-00412-CR

Jimmy Lee **ROBINSON**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 187th Judicial District Court, Bexar County, Texas
Trial Court Nos. 2007-CR-4139 & 2007-CR-4140
Honorable Raymond Angelini, Judge Presiding

PER CURIAM

Sitting: Phylis J. Speedlin, Justice
Rebecca Simmons, Justice
Steven C. Hilbig, Justice

Delivered and Filed: July 23, 2008

DISMISSED

The trial court's certification in each of these appeals states that the case is a "plea-bargain case, and the defendant has NO right of appeal." Rule 25.2(d) of the Texas Rules of Appellate Procedure provides that an appeal "must be dismissed if a certification that shows the defendant has the right of appeal has not been made part of the record under these rules." TEX. R. APP. P. 25.2(d). In each of these appeals, the clerk's record contains a written plea bargain, and the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed to by the

defendant; therefore, the clerk's record supports the trial court's certification that defendant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2). In addition, appellant's counsel has filed a letter in which she states that she has reviewed the electronic judicial records and "can find no right of appeal for Appellant;" counsel concedes that the appeal must be dismissed. We construe this notice as an indication that appellant will not seek to file an amended trial court certification showing that he has the right to appeal. *See* TEX. R. APP. P. 25.2(d); 37.1; *see also Daniels v. State*, 110 S.W.3d 174, 177 (Tex. App.—San Antonio 2003, no pet.). In light of the record presented, we agree with appellant's counsel that Rule 25.2(d) requires this court to dismiss these appeals. Accordingly, these appeals are dismissed.

PER CURIAM

DO NOT PUBLISH

