

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



MEMORANDUM OPINION

Nos. 04-10-00627-CR & 04-10-00628-CR

Jayson **ALCORTA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 437th Judicial District Court, Bexar County, Texas
Trial Court Nos. 2008CR11631 & 2009CR1889
Honorable Lori I. Valenzuela, Judge Presiding

PER CURIAM

Sitting: Rebecca Simmons, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: December 8, 2010

DISMISSED

The trial court's certification in each of these appeals states that "this criminal case is a plea-bargain case, and the defendant has NO right of appeal." The clerk's record, which was filed on CD-ROM in each appeal, 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 trial court's certifications accurately reflect that the underlying cases are plea-bargain cases. *See* TEX. R. APP. P. 25.2(a)(2).

Rule 25.2(d) of the Texas Rules of Appellate Procedure provides, “The appeal must be dismissed if a certification that shows the defendant has a right of appeal has not been made part of the record under these rules.” TEX. R. APP. P. 25.2(d). On October 27, 2010, we ordered that these appeals would be dismissed pursuant to rule 25.2(d) unless an amended trial court certification showing that the appellant has the right of appeal was made part of the appellate record by November 24, 2010. See TEX. R. APP. P. 25.2(d); 37.1; see also *Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005); *Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, no pet.). No response was filed. In the absence of an amended trial court certification showing that the appellant has the right of appeal, rule 25.2(d) requires this court to dismiss these appeals. Accordingly, the appeals are dismissed.

PER CURIAM

DO NOT PUBLISH