



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00684-CR

Bryan **SANCHEZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 379th Judicial District Court, Bexar County, Texas
Trial Court No. 2019CR7794
Honorable Ron Rangel, Judge Presiding

PER CURIAM

Sitting: Luz Elena D. Chapa, Justice
Irene Rios Justice
Beth Watkins, Justice

Delivered and Filed: November 27, 2019

DISMISSED

Appellant, Bryan Sanchez, entered into a plea bargain with the State, and pled nolo contendere to the offense of sexual assault. The trial court imposed sentence in accordance with the agreement and signed a certificate stating this “is a plea-bargain case, and the defendant has NO right of appeal.” *See* TEX. R. APP. P. 25.2(a)(2). Sanchez timely filed a notice of appeal. The clerk’s record, which includes the trial court’s rule 25.2(a)(2) certification and a written plea bargain agreement, has been filed. *See* TEX. R. APP. P. 25.2(d).

The clerk's record establishes the punishment assessed by the court does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and that the trial court denied permission to appeal. *See* TEX. R. APP. P. 25.2(a)(2). The record thus supports the trial court's certification that Sanchez does not have a right to appeal. *See Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005) (holding that court of appeals should review clerk's record to determine whether trial court's certification is accurate).

This court gave Sanchez written notice that the appeal would be dismissed unless an amended trial court certification stating he has the right to appeal were made part of the appellate record by November 15, 2019. *See* TEX. R. APP. P. 25.2(d); 37.1; *Daniels v. State*, 110 S.W.3d 174 (Tex. App.–San Antonio 2003, order) (en banc), *disp. on merits*, No. 04-03-00176-CR, 2003 WL 21508347 (July 2, 2003, pet. ref'd) (not designated for publication). Neither a response nor an amended certification showing Sanchez has the right to appeal has been filed.

Having reviewed the clerk's record, we conclude the trial court's certification accurately states that this is a plea bargain case and Sanchez does not have a right to appeal. *See Dears*, 154 S.W.3d at 614-15. This court must dismiss an appeal "if a certification that shows the defendant has the right of appeal has not been made part of the record." TEX. R. APP. P. 25.2(d). We therefore dismiss this appeal.

PER CURIAM

DO NOT PUBLISH