



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-19-00344-CR

MICHIEL EUGENE MARTIN, Appellant

v.

THE STATE OF TEXAS

On Appeal from Criminal District Court No. 3
Tarrant County, Texas
Trial Court No. 1536524D

Before Sudderth, C.J.; Kerr and Birdwell, JJ.
Memorandum Opinion by Justice Kerr

MEMORANDUM OPINION

Michiel Eugene Martin attempts to appeal his conviction and five-year sentence for vehicle burglary. *See* Tex. Penal Code Ann. §§ 12.425(a), 30.04(d)(2)(A). Pursuant to a charge bargain, Martin pleaded guilty, and the State agreed to a plea in bar of three other pending vehicle-burglary charges. *See* Tex. R. App. P. 25.2(a)(2); *Shankle v. State*, 119 S.W.3d 808, 813 (Tex. Crim. App. 2003) (“An agreement to dismiss a pending charge, or not to bring an available charge, effectively puts a cap on punishment at the maximum sentence for the charge that is not dismissed.”); *Barnard v. State*, No. 02-19-00184-CR, 2021 WL 832650, at *1 (Tex. App.—Fort Worth Mar. 4, 2021, no pet.) (mem. op., not designated for publication) (“[T]he record shows a charge bargain with [the defendant] going ‘open’ to the court for punishment. The guilty plea itself was not open (it was settled); rather, it was the punishment to be imposed based on the guilty plea that was open (it was not settled).”); *Williams v. State*, No. 02-10-00475-CR, 2011 WL 3672069, at *1 & n.2 (Tex. App.—Fort Worth Aug. 18, 2011, pet. ref’d) (mem. op., not designated for publication) (noting plea-in-bar disposition was Rule 25.2(a)(2) plea bargain).

Because the original certification of Martin’s right to appeal incorrectly stated that the conviction had not resulted from a plea bargain, we ordered the trial court to amend the certification. The trial court’s amended certification of Martin’s right to appeal states that this “is a plea-bargain case, and the defendant has NO right of appeal.” *See* Tex. R. App. P. 25.2(a)(2), (d). Thus, in accordance with the amended

certification, we dismiss the appeal. *See* Tex. R. App. P. 25.2(d), 43.2(f); *see also Williams*, 2011 WL 3672069, at *1.

/s/ Elizabeth Kerr
Elizabeth Kerr
Justice

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Tex. R. App. P. 47.2(b)

Delivered: June 17, 2021