



**NUMBER 13-13-00394-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

---

**JOSE DAVID CONTRERAS,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

---

**On Appeal from the 299th District Court  
of Travis County, Texas.**

---

**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Rodriguez and Garza  
Memorandum Opinion Per Curiam**

Appellant, Jose David Contreras, attempts to appeal his conviction for aggravated assault. His appeal was transferred to this Court from the Third Court of Appeals by order of the Texas Supreme Court. See TEX. GOV'T CODE ANN. § 22.220(a) (West Supp. 2011) (delineating the jurisdiction of appellate courts); TEX. GOV'T CODE ANN. § 73.001 (West 2005) (granting the supreme court the authority to transfer cases from one court of appeals to another at any time that there is "good cause" for the transfer.

On August 12, 2013, we ordered appellant's counsel, Alexander L. Calhoun, to, within thirty days, review the record and advise this Court whether appellant has a right to appeal. See *id.* R. 44.3, 44.4. Counsel responded to this Court's order by filing a motion identifying potentially substantive reasons for appeal and requested that the Court defer dismissal of the appeal for thirty days to afford him the opportunity to persuade the trial court to modify the certificate of right to appeal. This Court subsequently abated and remanded the to the trial court for a hearing to determine whether the appellant has the right of appeal.

On October 22, 2013, a supplemental clerk's record was filed containing an amended trial court certification that this ""is a plea-bargain case, and the defendant has NO right of appeal," and "the defendant has waived the right of appeal." See TEX. R. APP. P. 25.2(a)(2). On October 24, 2013, counsel filed a letter brief with this Court indicating that he has reviewed the case, conferred with the trial court, and advised this Court that appellant does not have the right to appeal from his negotiated plea. Accordingly, this appeal is hereby REINSTATED.

The Texas Rules of Appellate Procedure provide that an appeal must be dismissed if the trial court's certification does not show that the defendant has the right of appeal. TEX. R. APP. P. 25.2(d); see TEX. R. APP. P. 37.1, 44.3, 44.4. Accordingly, this appeal is DISMISSED. Any pending motions are dismissed as moot.

PER CURIAM

Do not publish.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

Delivered and filed the  
14th day of November, 2013.