



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

DAVID PILAR RODRIGUEZ,	§	No. 08-16-00112-CR
	§	
Appellant,	§	Appeal from
	§	
v.	§	120th District Court
	§	
THE STATE OF TEXAS,	§	of El Paso County, Texas
	§	
Appellee.	§	(TC # 20140D01101)
	§	

MEMORANDUM OPINION

David Pilar Rodriguez attempts to appeal his conviction of indecency with a child, enhanced by two prior felony convictions. Appellant waived his right to a jury and entered a negotiated guilty plea. The trial court followed the plea bargain and assessed Appellant's punishment in accordance with the plea agreement at imprisonment for a term of forty years. We dismiss the appeal because the trial court's certification reflects that Appellant waived his right to appeal.

An appeal must be dismissed unless a trial court's certification showing that the defendant has the right of appeal has been made part of the record. TEX.R.APP.P. 25.2(d). The trial court's certification states that "the defendant has waived the right of appeal." We notified Appellant's counsel that the trial court's certification showed that Appellant waived his right of appeal and asked him to file a response. Counsel filed a detailed response explaining that

Appellant entered a negotiated guilty plea and waived the right of appeal. We have reviewed the record and find that the record supports the trial court's certification that Appellant waived the right of appeal. Consequently, we are required to dismiss this appeal. *See* TEX.R.APP.P. 25.2(d); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex.Crim.App. 2006). The appeal is dismissed.

January 25, 2017

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Hughes, JJ.
Hughes, J., not participating

(Do Not Publish)