

Opinion filed February 7, 2013



In The

Eleventh Court of Appeals

No. 11-12-00362-CR

JERRY LEE MARTIN, Appellant

V.

STATE OF TEXAS, Appellee

On Appeal from the 104th District Court

Taylor County, Texas

Trial Court Cause No. 18553B

MEMORANDUM OPINION

Jerry Lee Martin filed a pro se notice of appeal in this case. Upon receiving the clerk's record in this case, this court noted that the trial court had certified that this is a plea-bargain case and that Martin has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2), (d). We issued a letter requesting that Martin show grounds to continue the appeal. Martin's counsel has responded by letter indicating that this was a plea-bargain case and that Martin waived his right to appeal. We dismiss the appeal.

The clerk's record indicates that Martin was charged with felony driving while intoxicated with one enhancement allegation, that he entered into a plea bargain agreement with

the State, that he pleaded guilty, and that the trial court assessed punishment pursuant to the terms of the plea bargain at confinement for twelve years. Thus, the trial court's certification—reflecting that Martin has no right of appeal—is supported by the record and is not defective. *See Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005). Martin's appeal is therefore prohibited by Rule 25.2, and we must dismiss the appeal without further action. Rule 25.2(d); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Accordingly, this appeal is dismissed.

PER CURIAM

February 7, 2013

Do not publish.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

Panel consists of: Wright, C.J.,
McCall, J., and Willson, J.