

Opinion filed May 23, 2013



In The

Eleventh Court of Appeals

No. 11-13-00121-CR

JAMES LYNN BAKER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court No. 5

Dallas County, Texas

Trial Court Cause No. F-1213688-L

MEMORANDUM OPINION

James Lynn Baker, Appellant, filed a timely notice of appeal in this case, and counsel was appointed for appeal. In a letter dated April 18, 2013, this court notified the parties that the trial court had certified that this is a plea-bargain case and that Appellant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2), (d). We

requested that Appellant respond by May 3, 2013, and show grounds to continue the appeal. Appellant has not responded. We dismiss the appeal.

The clerk's record indicates that Appellant entered into a plea agreement with the State, that Appellant pleaded guilty to the offense of forgery of a check, and that the trial court assessed punishment pursuant to the terms of the plea agreement at confinement for 180 days in a state jail facility. Thus, the trial court's certification—reflecting that Appellant 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). Appellant's appeal is therefore prohibited by TEX. R. APP. P. 25.2, and pursuant to Rule 25.2(d), we must dismiss the appeal without further action. *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Accordingly, we dismiss this appeal.

PER CURIAM

May 23, 2013

Do not publish.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

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