

Opinion issued November 10, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-20-00151-CR

CARLOS CANO OROSCO, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 182nd District Court
Harris County, Texas
Trial Court Case No. 1624273

MEMORANDUM OPINION

After appellant, Carlos Cano Orosco, pleaded guilty, with an agreed punishment recommendation from the State, to the felony offense of indecency

with a child,¹ the trial court assessed his punishment at confinement for twenty-five years. Appellant filed a pro se notice of appeal.²

We dismiss the appeal for lack of jurisdiction.

The trial court's certification of appellant's right of appeal shows that appellant "has NO right of appeal" because this was a plea-bargain case. *See* TEX. R. APP. P. 25.2(a)(2). The record supports the trial court's certification. *See Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005).

In a plea-bargain case, a defendant may only appeal those matters that were raised by written motion filed and ruled on before trial or after getting the trial court's permission to appeal. TEX. CODE CRIM. PROC. art. 44.02; TEX. R. APP. P. 25.2(a)(2). An appeal must be dismissed if a certification showing that the defendant has the right of appeal is not made part of the record. TEX. R. APP. P. 25.2(d). Because appellant has no right of appeal, we must dismiss his appeal for lack of jurisdiction. *See Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006) ("A court of appeals, while having jurisdiction to ascertain whether an appellant who plea-bargained is permitted to appeal by Rule 25.2(a)(2), must dismiss a prohibited appeal without further action, regardless of the basis for the appeal."); *see also Haley v. State*, Nos. 01-19-00823-CR, 01-19-00824-CR,

¹ *See* TEX. PENAL CODE ANN. § 21.11.

² The trial court then appointed counsel to represent appellant on appeal.

01-19-00862-CR, 2020 WL 1467009, at *1–2 (Tex. App.—Houston [1st Dist.] Mar. 26, 2020, no pet.) (mem. op., not designated for publication).

On August 11, 2020, the Clerk of this Court issued a notice advising appellant that unless he filed a response within ten days of the notice explaining how this Court had jurisdiction over his appeal, this Court may dismiss his appeal for lack of jurisdiction. Appellant did not respond to the notice.

Accordingly, we dismiss the appeal for lack of jurisdiction. *See* TEX. R. APP. P. 43.2(f). We dismiss all other pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Hightower, and Countiss.

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