

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00474-CR

Oscar Olivares **TOVAR**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 379th Judicial District Court, Bexar County, Texas
Trial Court No. 2007-CR-4417
Honorable Bert Richardson, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Justice
Karen Angelini, Justice
Santee Bryan Marion, Justice

Delivered and Filed: August 13, 2008

DISMISSED

The trial court's certification in this appeal states that the case is a "plea-bargain case, and the defendant has NO right of appeal." Rule 25.2(d) of the Texas Rules of Appellate Procedure provides, "[t]he appeal must be dismissed if a certification that shows the defendant has a right of appeal has not been made part of the record under these rules." TEX. R. APP. P. 25.2(d). Appellant's appellate counsel notified this court that appellant does not have a right to appeal in this case. Counsel further indicated that appellant would not file an amended trial court certification showing

that he has the right of appeal. *See* TEX. R. APP. P. 25.2(d); 37.1; *see also Daniels v. State*, 110 S.W.3d 174, 177 (Tex. App.—San Antonio 2003, no pet.). In light of the record presented, we agree with appellant’s counsel that Rule 25.2(d) requires this court to dismiss this appeal. Accordingly, this appeal is dismissed.

PER CURIAM

DO NOT PUBLISH