

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



MEMORANDUM OPINION

No. 04-08-00523-CR

Carlos **SILVA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 144th Judicial District Court, Bexar County, Texas
Trial Court No. 2004-CR-9110B
Honorable Mark R. Luitjen, Judge Presiding

PER CURIAM

Sitting: Alma L. López, Chief Justice
Rebecca Simmons, Justice
Steven C. Hilbig, Justice

Delivered and Filed: September 17, 2008

DISMISSED

Appellant Carlos Silva entered a plea of guilty to the offense of aggravated robbery on June 20, 2005 and was sentenced to ten years deferred adjudication. Approximately one year later, the trial court adjudicated appellant and sentenced him to fifteen years confinement in the Institutional Division of the Texas Department of Criminal Justice.

On July 7, 2008, appellant filed a pro se notice of appeal which did not contain the trial court's certification of his right to appeal. Moreover, on July 18, 2008, appellant filed a pro se motion for an out of time appeal.

The trial court subsequently appointed appellate counsel who filed a written notice with this court that counsel reviewed the record and "can find no right of appeal for Appellant." Appellant's notice of appeal was filed over two years late. In light of the record presented, we agree with appellant's counsel that Rule 25.2(a)(2) requires this court dismiss this appeal. Accordingly, we deny appellant's request for an out of time appeal and this appeal is dismissed.

PER CURIAM

DO NOT PUBLISH