

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



**MEMORANDUM OPINION**

No. 04-08-00672-CR

Martin Anthony **CASAREZ**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 226th Judicial District Court, Bexar County, Texas  
Trial Court No. 2007-CR-8706  
Honorable Sid L. Harle, Judge Presiding

PER CURIAM

Sitting: Alma L. López, Chief Justice  
Catherine Stone, Justice  
Steven C. Hilbig, Justice

Delivered and Filed: November 5, 2008

DISMISSED

Martin Anthony Casarez pleaded nolo contendere to murder committed under the immediate influence of sudden passion arising from an adequate cause and signed a waiver of appeal. The trial court found Casarez guilty, sentenced him to eighteen years confinement in the Texas Department of Criminal Justice—Institutional Division, and signed a certificate stating that this “is a plea-bargain case, and the defendant has NO right of appeal.” See TEX. R. APP. P. 25.2(a)(2). Casarez timely filed

a notice of appeal. The clerk's record, which includes the trial court's Rule 25.2(a)(2) certification, has been filed. *See* TEX. R. APP. P. 25.2(d).

On October 1, 2008, we gave Casarez notice that the appeal would be dismissed unless an amended trial court certification showing he has the right to appeal has been made part of the appellate record by October 31, 2008. *See* TEX. R. APP. P. 25.2(d); 37.1; *Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, order), *disp. on merits*, No. 04-03-00176-CR, 2003 WL 21508347 (July 2, 2003, pet. ref'd) (not designated for publication).

No amended certification showing Casarez has the right to appeal has been filed. Instead, counsel responded to our notice by filing a brief and motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967). We do not consider the brief. The motion to withdraw and the appeal are dismissed. *See* TEX. R. APP. P. 25.2(d).

PER CURIAM

Do not publish

