

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



MEMORANDUM OPINION

No. 04-09-00792-CR

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Timothy Ralph **CARRILLO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 187th Judicial District Court, Bexar County, Texas
Trial Court Nos. 2009-CR-1113 & 2009-CR-4308A
Honorable Raymond Angelini, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Phylis J. Speedlin, Justice
Rebecca Simmons, Justice

Delivered and Filed: February 17, 2010

DISMISSED

In both trial cause numbers, appellant pled nolo contendere to theft of an elderly person and was sentenced within the terms of a plea bargain. Defendant timely filed a general notice of appeal. The trial court's Certification of Defendant's Right of Appeal states this "is a plea-bargain case, and the defendant has NO right of appeal." *See* TEX. R. APP. P. 25.2(a)(2). The clerk's records contain a written plea bargain, and the punishment assessed did not exceed the punishment recommended

by the prosecutor and agreed to by appellant; therefore, the trial court's certifications accurately reflect that appellant's cases were plea bargain cases and he does not have a right of appeal. *See* TEX. R. APP. P. 25.2(a)(2). Accordingly, on January 25, 2010, this court issued an order stating these appeals would be dismissed pursuant to Rule 25.2(d) unless amended trial court certifications that show defendant has the right of appeal were made part of the appellate records. *See Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, order); TEX. R. APP. P. 25.2(d); 37.1.

Defendant's appellate counsel has filed letters stating "this court has no choice but to dismiss the appeal[s]." In light of the record presented, we agree with defendant's counsel that Rule 25.2(d) requires this court to dismiss these appeals. Accordingly, the appeals are dismissed.

PER CURIAM

DO NOT PUBLISH