

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



MEMORANDUM OPINION

No. 04-12-00305-CR

Fernando **FLORES-MIRANDA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 186th Judicial District Court, Bexar County, Texas
Trial Court No. 2011CR1872
Honorable Maria Teresa Herr, Judge Presiding

PER CURIAM

Sitting: Rebecca Simmons, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: July 25, 2012

DISMISSED

On June 7, 2012, we notified the appellant that the trial court's certification in this appeal states that "this criminal case is a plea-bargain case, and the defendant has NO right of appeal." Additionally, the clerk's record contained a written waiver signed by the appellant pursuant to which he entered a plea of no contest. The trial court's judgment also reflected that there was a plea bargain agreement, and the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed to by the defendant. Therefore, the trial court's

certification accurately reflected that the criminal case is a plea-bargain case. *See* TEX R. APP. P. 25.2(a)(2).

In our June 7, 2012 order, we warned the appellant that “[this] appeal must be dismissed if a certification that shows the defendant has the right of appeal has not been made part of the record under these rules.” *See id.* R. 25.2(d). We ordered that this appeal would be dismissed pursuant to Rule 25.2(d) unless the appellant caused an amended trial court certification to be filed by June 29, 2012, that showed the appellant has the right of appeal. *See id.* R. 25.2(d), 37.1; *see also Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006); *Daniels v. State*, 110 S.W.3d 174, 176 (Tex. App.—San Antonio 2003, no pet.).

On July 6, 2012, appellant filed a response indicating that the trial court certification in the record is accurate and moved this court to dismiss the appeal. Accordingly, we dismiss this appeal.

PER CURIAM

DO NOT PUBLISH