

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



MEMORANDUM OPINION

No. 04-12-00510-CR

Charles Michael **SAMANIEGO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 290th Judicial District Court, Bexar County, Texas
Trial Court No. 2011CR5914
Honorable Melisa Skinner, Judge Presiding

PER CURIAM

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

Delivered and Filed: October 24, 2012

DISMISSED

On September 10, 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 September 10, 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 October 10, 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.). No response was filed. Accordingly, we dismiss this appeal.

PER CURIAM

DO NOT PUBLISH