



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00412-CR

Robert **MARTINEZ**, Jr.,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 186th Judicial District Court, Bexar County, Texas
Trial Court No. 2013CR6698
Honorable Maria Teresa Herr, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: August 6, 2014

APPEAL DISMISSED

Appellant pled nolo contendere to Driving While Intoxicated-3D/M (Habitual) and was sentenced within the terms of a plea bargain. The trial court's certification of appellant's right to 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). After appellant filed his notice of appeal, the court clerk sent copies of the certification and notice of appeal to this court. *See* TEX. R. APP. P. 25.2(e).

Appellant filed a pro se notice of appeal, in which he asserts he intends to appeal from a pretrial order granting his appointed attorney's motion to withdraw. Appellant was later assigned

another appointed attorney. The clerk's record contains a written plea bargain agreement, and the punishment assessed did not exceed the punishment recommended by the State and agreed to by the appellant. The clerk's record does not contain any orders ruling on any pre-trial motions.

Rule 25.2(d) provides, "The 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." TEX. R. APP. P. 25.2(d). Accordingly, on June 24, 2014, this court issued an order stating this appeal would be dismissed pursuant to Rule 25.2(d) unless an amended trial court certification that shows defendant has the right of appeal was made part of the appellate record. *See Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, order); TEX. R. APP. P. 25.2(d); 37.1.

No amended trial court certification has been filed; therefore, this appeal is dismissed.

PER CURIAM

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