



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00647-CR

Edward **HERNANDEZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 175th Judicial District Court, Bexar County, Texas
Trial Court No. 2013CR10559
Honorable Mary D. Roman, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: October 1, 2014

DISMISSED

On September 18, 2014, this court issued an order stating this appeal would be dismissed pursuant to Rule 25.2(d) unless an amended trial court certification showing appellant had the right of appeal was made part of the appellate record. *See* TEX. R. APP. P. 25.2(d), 37.1; *see also Daniels v. State*, 110 S.W.3d 174, 175–76 (Tex. App.—San Antonio 2003, order). Appellant’s counsel filed a response in which he states that he has reviewed the clerk’s record and “can find no right of appeal” for appellant; counsel concedes that the appeal must be dismissed. In light of the record presented, we agree with appellant’s counsel that Rule 25.2(d) requires this court to dismiss this

appeal. TEX. R. APP. P. 25.2(d). The record does not contain a certification that shows appellant has the right of appeal; to the contrary, the trial court certification in the record states this criminal case “is a plea-bargain case, and the defendant has NO right of appeal.” The record contains a written plea bargain, and the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed to by appellant. Therefore, the record supports the trial court’s certification that the appellant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2). Accordingly, this appeal is dismissed. *See* TEX. R. APP. P. 25.2(d).

PER CURIAM

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