



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00055-CR

Kevin **O**DELL,
Appellant

v.

The **S**TATE of Texas,
Appellee

From the 186th Judicial District Court, Bexar County, Texas
Trial Court No. 2014CR5506
Honorable Jefferson Moore, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Karen Angelini, Justice
Jason Pulliam, Justice

Delivered and Filed: March 25, 2015

DISMISSED

From our initial review of the record it appeared appellant has no right of appeal pursuant to Texas Rule of Appellate Procedure 25.2(a), (d). Therefore, on February 11, 2015, we ordered appellant to show cause in writing why this appeal should not be dismissed. Appellant's court-appointed attorney responded on March 11, 2015.

Review of the record reveals the trial court's certification states: "this criminal case is a plea-bargain case, and the defendant has no right of appeal." Rule 25.2(d) of the Texas Rules of Appellate Procedure provides an 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). The clerk’s record, which was filed electronically, contains a written plea bargain, and the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed to by the defendant; therefore, the clerk’s record supports the trial court’s certification that defendant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2).

In addition, appellant’s counsel filed a response, in which counsel states he reviewed the electronic clerk’s record and can find no right of appeal for appellant; counsel concedes that the trial court’s certification, stating the defendant has no right of appeal, is correct.

In light of the record presented, we agree with appellant’s counsel that appellant has no right of appeal; therefore, Rule 25.2(d) requires this court to dismiss this appeal. TEX. R. APP. P. 25.2(d).

Accordingly, the appeal is dismissed. *See* TEX. R. APP. P. 25.2(d).

PER CURIAM

DO NOT PUBLISH