



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

Nos. 04-15-00177-CR & 04-15-00178-CR

Daniel **MARTINEZ** a/k/a Daniel Ramirez,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 290th Judicial District Court, Bexar County, Texas
Trial Court Nos. 2014CR2985 & 2014CR2986
Honorable Melisa Skinner, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Karen Angelini, Justice
Marialyn Barnard, Justice

Delivered and Filed: May 13, 2015

DISMISSED

The trial court's certification in each of these appeals states that "this criminal case is a plea-bargain case, and the defendant has NO right of appeal." The clerk's record for each appeal 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 trial court's certification in each appeal accurately reflects that the underlying case is a plea-bargain case. *See* TEX. R. APP. P. 25.2(a)(2).

Rule 25.2(d) of the Texas Rules of Appellate Procedure provides, “The appeal must be dismissed if a certification that shows the defendant has a right of appeal has not been made part of the record under these rules.” TEX. R. APP. P. 25.2(d). On April 9, 2015, we ordered that these appeals would be dismissed pursuant to rule 25.2(d) unless an amended trial court certification showing that the appellant has the right of appeal was made part of the appellate record in each appeal by May 7, 2015. *See* TEX. R. APP. P. 25.2(d); 37.1; *see also* *Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005); *Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, no pet.).

Appellant’s counsel has filed a written response stating that counsel reviewed the record and “it does appear that these appeals should be dismissed under Rule 25.2.” *See* TEX. R. APP. P. 25.2(d); 37.1; *see also* *Daniels v. State*, 110 S.W.3d 174, 177 (Tex. App.—San Antonio 2003, no pet.). In light of the record presented, we agree with appellant’s counsel that Rule 25.2(d) requires this court to dismiss these appeals. Accordingly, the appeals are dismissed.

PER CURIAM

DO NOT PUBLISH