



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00403-CR

Kenneth Thomas **MORGAN-DAVIS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 227th Judicial District Court, Bexar County, Texas
Trial Court No. 2014CR4937
The Honorable Kevin M. O'Connell, Judge Presiding

PER CURIAM

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

Delivered and Filed: August 19, 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 July 9, 2015, this court ordered this appeal would be dismissed pursuant to Texas Rule of Appellate Procedure 25.2(d) unless appellant caused an amended trial court certification to be filed by July 31, 2015, showing appellant has the right of appeal. *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.). No certification has been filed.

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 range of punishment of which appellant was admonished. 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).

It is therefore ORDERED this appeal is dismissed.

PER CURIAM

DO NOT PUBLISH