



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-16-00098-CR

AnnaMarie Salinas **JEITANI**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 187th Judicial District Court, Bexar County, Texas  
Trial Court No. 2014CR3588  
Honorable Steve Hilbig, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice  
Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice

Delivered and Filed: July 27, 2016

DISMISSED

The trial court's certification in this appeal states that "the defendant has waived the right of appeal." The clerk's record reflects that in her plea-bargain agreement, Defendant AnnaMarie Salinas Jeitani signed the following "Waiver of Appeal":

I understand that upon my plea of guilty or nolo contendere, where punishment does not exceed that recommended by the prosecutor and agreed to by me, my right to appeal will be limited to only: (1) those matters that were raised by written motion filed and ruled on before trial, or (2) other matters on which the trial court gives me permission to appeal. I understand that I have this limited right to appeal. However, as part of my plea-bargain agreement in this case, I knowingly and voluntarily waive my right to appeal under (1) and (2) in exchange for the

prosecutor's recommendation, provided that the punishment assessed by the court does not exceed our agreement.

We must dismiss an appeal "if a certification that shows the defendant has the right of appeal has not been made part of the record." TEX. R. APP. P. 25.2(d).

We explained to Jeitani that this appeal would be dismissed pursuant to Texas Rule of Appellate Procedure 25.2(d) unless an amended trial court certification showing that she had the right to appeal was made part of the appellate record. *See* TEX. R. APP. P. 25.2(d), 37.1; *Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, order); *Esparza v. State*, No. 04-03-00681-CR, 2003 WL 22899788 (Tex. App.—San Antonio Dec. 10, 2003, no pet. h.) (not designated for publication). Jeitani has filed a written response, stating that she did not enter her plea voluntarily and that she was denied effective assistance of counsel. These issues cannot be brought in a direct appeal from the trial court's judgment and should be brought in a habeas proceeding. *See Griffin v. State*, 145 S.W.3d 645, 648-49 (Tex. Crim. App. 2004); *Cooper v. State*, 45 S.W.3d 77, 82-83 (Tex. Crim. App. 2001); *Ex parte Klem*, 269 S.W.3d 711 (Tex. App.—Beaumont 2008, pet. ref'd).

We therefore dismiss this appeal. *See* TEX. R. APP. P. 25.2(d).

PER CURIAM

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