



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

**MEMORANDUM OPINION**

Nos. 04-16-00582-CR & 04-16-00583-CR

Eliezer **CRUZ**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 290th Judicial District Court, Bexar County, Texas  
Trial Court Nos. 2016CR4935 & 2015CR9345  
Honorable Melisa Skinner, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice  
Luz Elena D. Chapa, Justice

Delivered and Filed: December 7, 2016

DISMISSED

On September 27, 2016, this court issued an order stating these appeals would be dismissed pursuant to Rule 25.2(d) unless an amended trial court certification that shows appellant has the right of appeal was made part of each appellate record within thirty days of the order. *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). Before we issued the order, appellant’s counsel filed a “Motion For Leave to Withdraw as Counsel on Appeal” in which he states appellant has no right to appeal the judgments pursuant to Rule 25.2. In light of the record presented, we agree that Rule 25.2(d) requires this

court to dismiss these appeals. 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 clerk’s 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 clerk’s record supports the trial court’s certification that appellant has no right of appeal. *See* TEX. R. APP. P. 25.2(a)(2). Accordingly, we dismiss the appeals. *See* TEX. R. APP. P. 25.2(d).

PER CURIAM

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