



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00683-CR

Daniel **GUTIERREZ-LOPEZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 186th Judicial District Court, Bexar County, Texas
Trial Court No. 2013CR7741
Honorable Jefferson Moore, Judge Presiding

PER CURIAM

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

Delivered and Filed: November 23, 2016

DISMISSED

On October 31, 2016, this court issued an order stating this appeal would be dismissed pursuant to Texas Rule of Appellate Procedure 25.2(d) unless appellant filed in the appellate record within twenty days an amended trial court certification that shows appellant has the right of appeal. *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). Appellant did not file an amended certification, and the clerk's record does not contain a certification that shows the defendant 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 appeal. *See* TEX. R. APP. P. 25.2(d).

PER CURIAM

DO NOT PUBLISH