



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00134-CR

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Samuel Matthew **RAMOS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 187th Judicial District Court, Bexar County, Texas
Trial Court No. 2016CR4321
Honorable Steve Hilbig, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Karen Angelini, Justice
Irene Rios, Justice

Delivered and Filed: May 31, 2017

DISMISSED

Pursuant to a plea-bargain agreement, Samuel Ramos pleaded guilty to the offense of robbery in Cause Nos. 2016CR4321, 2016CR10748, and 2016CR10749. The trial court assessed punishment at twenty years' imprisonment with a \$2,000 fine in accordance with the terms of appellant's plea-bargain agreements in each cause number to be served concurrently. On February 21, 2017, the trial court signed certifications of defendant's right to appeal stating that these are "plea-bargain case[s], and the defendant has NO right of appeal." *See* TEX. R. APP. P. 25.2(a)(2).

After Ramos filed notices of appeal, the trial court clerk sent copies of the certifications and notices of appeal to this court. *See id.* 25.2(e). The clerk's records, which include the trial court's Rule 25.2(a)(2) certifications, have been filed. *See id.* 25.2(d).

“In a plea bargain case ... a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal.” *Id.* 25.2(a)(2). The clerk's records, which contain a written plea bargain, establish the punishment assessed by the court in each cause does not exceed the punishment recommended by the prosecutor and agreed to by the defendant. *See id.* The clerk's records do not include written motions filed and ruled upon before trial; nor do they indicate the trial court gave its permission to appeal. *See id.* The trial court's certifications, therefore, appear to accurately reflect that these are plea-bargain cases and that appellant does not have a right to appeal. 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.” *Id.* 25.2(d).

We, therefore, warned Ramos that this appeal would be dismissed pursuant to Texas Rule of Appellate Procedure 25.2(d), unless an amended trial court certification showing that he 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). No such amended trial court certification has been filed. This appeal is, therefore, dismissed pursuant to Rule 25.2(d).

PER CURIAM

DO NOT PUBLISH