



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00537-CR

Jose Luis **LOPEZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 227th Judicial District Court, Bexar County, Texas
Trial Court No. 2016CR8748
Honorable Raymond Angelini, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: November 8, 2017

APPEAL DISMISSED

Pursuant to a plea agreement with the State, appellant Jose Luis Lopez pled guilty to the offense of aggravated robbery, enhanced. The trial court imposed a sentence in the case in accordance with the agreement and signed a certificate stating this “[is] a plea-bargain case, and the defendant has NO right of appeal.” *See* TEX. R. APP. P. 25.2(a)(2). Appellant timely filed a notice of appeal. The clerk’s record, which includes the trial court’s rule 25.2(a)(2) certification and written plea bargain agreement, has also been filed. *See id.* R. 25.2(d).

The clerk's record establishes the punishment assessed by the court in this case does not exceed the punishment recommended by the prosecutor and agreed to by the defendant. *See id.* R. 25.2(a)(2). The clerk's record also establishes the trial court did not give appellant permission to appeal. After reviewing the clerk's record, the trial court's certification accurately reflects that this is a plea bargain case and Lopez does not have a right to appeal. *See Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005) (holding that court of appeals should review clerk's record to determine whether trial court's certification is accurate). This court 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).

On September 19, 2017, we gave appellant notice that the appeal would be dismissed unless an amended trial court certification showing he has the right to appeal was made part of the appellate record by October 19, 2017. *See id.* R. 25.2(d), 37.1; *Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, order), *disp. on merits*, No. 04-03-00176-CR, 2003 WL 21508347 (July 2, 2003, pet. ref'd) (not designated for publication). Neither an amended certification nor other response has been filed. We therefore dismiss this appeal. *See* TEX. R. APP. P. 25.2(d).

PER CURIAM

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