



Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00796-CR

Victor N. **CERVANTES**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 187th Judicial District Court, Bexar County, Texas
Trial Court No. 2017CR11119
Honorable Joey Contreras, Judge Presiding

PER CURIAM

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

Delivered and Filed: January 16, 2019

DISMISSED

On December 7, 2018, this court issued an order stating this appeal 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 the 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). Appellant's counsel filed a response in which he states he is unable to find a justification to file an amended trial court certification in this case. In light of the record presented, Rule 25.2(d) requires this court to dismiss this appeal. TEX. R. APP. P. 25.2(d). The 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 the defendant; therefore, the clerk’s record supports the trial court’s certification that the defendant 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DO NOT PUBLISH