



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00317-CR

Robert **RODRIGUEZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 437th Judicial District Court, Bexar County, Texas
Trial Court No. 2019-CR-10735
Honorable Lori I. Valenzuela, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: November 4, 2020

DISMISSED

The trial court’s certification in this appeal states that “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; Rule 25.2(a)(2) applies. *See* TEX. R. APP. P. 25.2(a)(2). This court must dismiss this appeal “if a certification that shows the defendant has the right of appeal has not been made part of the record under these rules.” *Id.* R. 25.2(d); *see Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

On August 31, 2020, we notified Appellant that this appeal would be dismissed under Rule 25.2(d) unless an amended trial court certification showing that Appellant has the right of appeal was made part of the appellate record by September 30, 2020. *See* TEX. R. APP. P. 25.2(d), 37.1; *see also Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005); *Daniels v. State*, 110 S.W.3d 174, 176 (Tex. App.—San Antonio 2003, no pet.). On October 15, 2020, a supplemental clerk’s record was filed, but the only trial court certification it contains shows Appellant has no right of appeal.

Absent an amended trial court certification showing that Appellant has the right of appeal, Rule 25.2(d) requires this court to dismiss this appeal. *See Dears*, 154 S.W.3d at 613; *Daniels*, 110 S.W.3d at 176. Accordingly, this appeal is dismissed.

Appellant’s pending motions, i.e., his June 26, 2020 Supplemental Issue, August 12, 2020 Motion to Obtain Trial Records, and September 17, 2020 Motion Seeking Scope of Review of Errors, are denied.

PER CURIAM

Do Not Publish