



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00329-CR

Aaron **DE LA GARZA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 81st Judicial District Court, Atascosa County, Texas
Trial Court No. 18-08-0246-CRA
Honorable Lynn Ellison, Judge Presiding

PER CURIAM

Sitting: Irene Rios, Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: August 5, 2020

DISMISSED

Pursuant to a plea-bargain agreement, appellant pleaded guilty to one count of injury to a child. The trial court assessed punishment at ten years in prison. The trial court signed a certification of defendant's right to appeal stating that this "is a plea-bargain case, and the defendant has NO right of appeal." *See* TEX. R. APP. P. 25.2(a)(2). 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).

"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; (B) after getting the trial court's permission to appeal;

or (C) where the specific appeal is expressly authorized by statute.” *Id.* 25.2(a)(2). We reviewed the clerk’s record and determined that none of these circumstances existed in this case. The trial court’s certification appeared to accurately reflect that this is a plea-bargain case and appellant has no right to appeal. Therefore, we issued an order warning appellant 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 has 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 amended trial court certification was filed. In fact, appellant’s counsel filed a response acknowledging that appellant has no right to appeal. Accordingly, we dismiss this appeal pursuant to Rule 25.2(d).

PER CURIAM

DO NOT PUBLISH