



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00484-CR

Robert **URRABAZO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 290th Judicial District Court, Bexar County, Texas
Trial Court No. 2020CR7309
Honorable Jennifer Pena, Judge Presiding

PER CURIAM

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

Delivered and Filed: December 30, 2020

APPEAL DISMISSED

On September 25, 2020 appellant Robert Urrabazo filed a notice of appeal. When the clerk's record was filed on September 30, 2020, it contained a trial court's certification 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). The clerk's record also contained the written plea bargain, established that the punishment assessed by the trial court did not exceed the punishment recommended by the prosecutor and agreed to by the defendant, and supported the trial court's certification that the underlying case is a plea-bargain case. *See id.*

Texas Rule of Appellate Procedure 25.2(d) provides, “The appeal must be dismissed if a certification that shows the defendant has the right of appeal has not been made part of the record.” *Id.* R. 25.2(d). On October 19, 2020, we ordered that this appeal would be dismissed pursuant to rule 25.2(d) unless an amended trial court certification showing that appellant has the right to appeal was made part of the appellate record by November 18, 2020. *See id.* R. 25.2(d), 37.1; *see also Dears v. State*, 154 S.W.3d 610, 614 (Tex. Crim. App. 2005); *Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, no pet.). On October 22, 2020, appellant’s appointed appellate counsel filed a written response, stating he has reviewed the record and concedes this appeal must be dismissed because this is a plea-bargain case and Urrabazo does not have a right to appeal. We therefore dismiss this appeal. *See* TEX. R. APP. P. 25.2(d).

PER CURIAM

DO NOT PUBLISH