



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-24-00233-CR

Dontre La Ron NESTLE,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 144th Judicial District Court, Bexar County, Texas
Trial Court No. 2023CR4330
Honorable Michael E. Mery, Judge Presiding

PER CURIAM

Sitting: Liza A. Rodriguez, Justice
Lori I. Valenzuela, Justice
Lori Massey Brissette, Justice

Delivered and Filed: November 20, 2024

DISMISSED

Pursuant to a plea-bargain agreement, Dontre La Ron Nestle pled nolo contendere to aggravated assault with a deadly weapon and was sentenced to twenty years in prison in accordance with the terms of his plea-bargain agreement. On July 16, 2024, 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). The clerk's record, which includes the trial court's certification, has been filed. *See 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). The clerk’s record, which contains a written plea bargain, establishes the punishment assessed by the court does not exceed the punishment recommended by the prosecutor and agreed to by Nestle. *See id.* The clerk’s record does not include a written motion filed and ruled upon before trial; nor does it indicate that the trial court gave its permission to appeal. *See id.* Thus, the trial court’s certification appears to accurately reflect that this is a plea-bargain case and that Nestle does not have a right to appeal. 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).

We informed Nestle that this appeal would be dismissed pursuant to Texas Rule of Appellate Procedure 25.2(d) unless an amended trial court certification showing that Nestle had 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 such amended trial court certification has been filed. Therefore, this appeal is dismissed pursuant to Rule 25.2(d).

PER CURIAM

DO NOT PUBLISH