



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-12-00426-CR

ROBERT PAUL
RAINCSUK

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM COUNTY CRIMINAL COURT NO. 4 OF TARRANT COUNTY

MEMORANDUM OPINION¹

Appellant Robert Paul Raincsuk attempts to appeal the trial court's May 29, 2012 deferred adjudication community supervision order assessing six months of community supervision, a \$100 fine, and \$190 in court costs for his misdemeanor terroristic threat charge. The trial court's certification of his right to appeal states that this "is a plea-bargain case, and the defendant has NO right of appeal."

¹See Tex. R. App. P. 47.4.

On September 17, 2012, we notified Appellant about the statement on the trial court's certification and informed him that unless he or any party desiring to continue the appeal filed with the court, on or before September 27, 2012, a response showing grounds for continuing the appeal, the appeal may be dismissed.² See Tex. R. App. P. 25.2(a)(2), (d), 44.3. Appellant's response does not show grounds for continuing the appeal.³ See Tex. R. App. P. 25.2(a)(2)(A), (B), (d). Therefore, we dismiss the appeal. See Tex. R. App. P. 25.2(d), 43.2(f).

BOB MCCOY
JUSTICE

PANEL: MCCOY, MEIER, and GABRIEL, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: October 25, 2012

²Additionally, Appellant filed a motion for new trial on June 18, 2012, extending the time for filing his notice of appeal until August 27, 2012, but he did not file his notice of appeal until September 12, 2012. See Tex. R. App. P. 26.2(a)(2).

³Appellant raised ineffective assistance, but this must be raised by petition for writ of habeas corpus in a plea bargain case. See Tex. Code Crim. Proc. Ann. art. 11.072 (West 2005); see also *Ulloa v. State*, 370 S.W.3d 766, 770 (Tex. App.—Houston [14th Dist.] 2011, pet. ref'd) (stating that a defendant may apply for a writ of habeas corpus seeking relief from an order of community supervision if direct appeal is not available under code of criminal procedure article 44.02 and rule of appellate procedure 25.2).