



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

NO. 02-17-00024-CR

CORDARRYL HALE

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 362ND DISTRICT COURT OF DENTON COUNTY
TRIAL COURT NO. F15-2698-362

MEMORANDUM OPINION¹

Appellant Cordarryl Hale attempts to appeal from a judgment convicting him of one count of indecency with a child and one count of aggravated sexual assault of a child. The trial court's certification states that this "is a plea-bargain case, and the defendant has NO right of appeal" and that "the defendant has waived the right of appeal." See Tex. R. App. P. 25.2(a)(2). On February 3,

¹See Tex. R. App. P. 47.4.

2017, we notified Hale that this appeal may be dismissed pursuant to the trial court's certification unless he or any party desiring to continue the appeal filed a response showing grounds for continuing the appeal. See Tex. R. App. P. 25.2(d), 44.3. We received a response, but it does not show grounds for continuing the appeal.² Accordingly, in accordance with the trial court's certification, we dismiss this appeal. See Tex. R. App. P. 43.2(f).

PER CURIAM

PANEL: MEIER, GABRIEL, and SUDDERTH, JJ.

DO NOT PUBLISH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

DELIVERED: February 23, 2017

²Hale acknowledges that he waived his right to appeal, but he also contends that his January 27, 2017 notice of appeal from the November 17, 2016 judgment of conviction was timely because a pro se letter that was filed on December 1, 2016, was the equivalent of a motion for new trial, which thus extended the deadline to file the notice of appeal to February 15, 2017. See Tex. R. App. P. 26.1(a)(1). The timeliness of Hale's notice of appeal has no bearing whatsoever on the trial court's certification of Hale's right to appeal. See *Chavez v. State*, 183 S.W.3d 675, 676, 680 (Tex. Crim. App. 2006) (involving timely notice of appeal and certification stating no right to appeal and explaining that "[a] court of appeals . . . must dismiss a prohibited appeal without further action").