



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-18-00467-CR

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EDWARD LEE MILLER A/K/A EDWARD MALONE, Appellant

v.

THE STATE OF TEXAS

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On Appeal from the 213th District Court  
Tarrant County, Texas  
Trial Court No. 1546174R

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Before Birdwell, Bassel, and Womack, JJ.  
Per Curiam Memorandum Opinion

## MEMORANDUM OPINION

In accordance with a plea bargain between the State and Edward Lee Miller, also known as Edward Malone, the trial court convicted Miller of aggravated assault with a deadly weapon and imposed a sentence confining him for five years. Miller filed a pro se notice of appeal. The trial court initially signed an inaccurate certification that did not indicate Miller had entered into a plea bargain but eventually signed an amended certification stating that Miller had entered into a plea bargain and had “NO right of appeal.”

We notified Miller and his attorney of the trial court’s amended certification and informed Miller that unless he filed a response showing grounds for continuing the appeal, we would dismiss it. *See* Tex. R. App. 25.2(d), 44.3. Miller’s attorney filed a motion to withdraw.

Although Miller filed a pro se response, the response does not show grounds for continuing the appeal. Specifically, appellant waived any pretrial motions as part of his plea bargain agreement. *See Hall v. State*, Nos. 02-17-00311–314-CR, 2017 WL 6615888, at \*1 (Tex. App.—Fort Worth Dec. 21, 2017, no pet.) (mem. op., not designated for publication). Therefore, in accordance with the trial court’s amended certification, we dismiss this appeal. *See* Tex. R. App. P. 25.2(a), (d), 43.2(f); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

We deny counsel’s motion to withdraw. *See* Tex. R. App. P. 6.5(a)(4), 48.4; *Ex parte Wilson*, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997) (requiring appointed

counsel to inform an appellant of the right to file a petition for discretionary review).

We also deny Miller's pro se motions as moot.

Per Curiam

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Tex. R. App. P. 47.2(b)

Delivered: March 14, 2019