

NO. 07-12-0153-CR

IN THE COURT OF APPEALS

FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL C

JULY 30, 2012

RAMON MALDONADO-LOMELI,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 108th DISTRICT COURT OF POTTER COUNTY;

NO. 63,132-E; HON. DOUGLAS WOODBURN, PRESIDING

Order of Dismissal

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

Appellant, Ramon Maldonado-Lomeli, appeals his conviction for indecency with a child by contact. The certification of right to appeal stated that 1) the criminal proceeding was "a plea-bargain case and the defendant has NO right of appeal." This circumstance was brought to the attention of appellant's counsel and opportunity was granted him to obtain an amended certification entitling him to appeal. No such certification was received within the allotted time. Rather, appellant's counsel sent a letter dated July 23,

2012, requesting an open-ended extension of time to reply, that is, he did not specify the amount of time sought.¹ Nor did he explain why he was unable to include any justification for proceeding with the appeal in his July 23rd letter. The request for an extension failed to comport with Texas Rule of Appellate Procedure 10.5(b)(1)(B) which obligates one seeking to specify an amount of time sought. Consequently, we deny it and dismiss the appeal per Texas Rule of Appellate Procedure 25.2(d) (requiring dismissal if a certification showing that the appellant has the right to appeal has not been made part of the record). Should the requisite certificate be obtained, the court will entertain a timely motion for rehearing.

Per Curiam

Do not publish.

¹He further indicated that he was going to move for an extension to file his appellate brief.