

NO. 07-12-0221-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
AUGUST 10, 2012

GREGG DAVID MCCAIN, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 242ND DISTRICT COURT OF SWISHER COUNTY;
NO. B 4406-11-09; HONORABLE ED SELF, JUDGE

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

MEMORANDUM OPINION

Following a guilty plea, Appellant was convicted of driving while intoxicated,¹ enhanced, and punishment was assessed by the trial court at twelve years confinement and a \$1,000 fine. The *Trial Court's Certification of Defendant's Right to Appeal* filed in the case reflects that Appellant's case is a plea-bargained case with no right of appeal.

¹Tex. Penal Code Ann. § 49.04 (West 2011).

The certification notwithstanding, Appellant filed a notice of appeal challenging his conviction.

By letter dated July 20, 2012, this Court notified Appellant of the consequences of the certification and invited him to either file an amended certification showing a right to appeal or demonstrate other grounds for continuing the appeal on or before August 1, 2012. No response was filed. Because Appellant has failed to file an amended certification reflecting a right of appeal and has not shown good cause for continuing this appeal, we have no alternative but to dismiss the appeal based on the trial court's certification. See Tex. R. App. P. 25.2(d).

Patrick A. Pirtle
Justice

Do not publish.