

NO. 07-12-00442-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
NOVEMBER 28, 2012

VICTOR YBARRA, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

FROM THE 106TH DISTRICT COURT OF GARZA COUNTY;
NO. 12-2619; HONORABLE CARTER T. SCHILDKNECHT, JUDGE

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

MEMORANDUM OPINION

Appearing *pro se*, appellant Victor Ybarra appeals his conviction for aggravated assault and resulting enhanced sentence of thirty-two years in prison. The judgment indicates appellant plead guilty to the charged offense and received the specified term of incarceration according to a plea bargain agreement. The trial court's certification of right of appeal states that appellant waived the right of appeal. By letter of October 16, 2012, we notified appellant his appeal was subject to dismissal unless by November 15, 2012, he furnished an amended certificate indicating a right of appeal or demonstrated other grounds for continuing the appeal. Appellant made no response. The appeal is,

therefore, dismissed. Tex. R. App. P. 25.2(d) ("The appeal must be dismissed if a certification that shows the defendant has the right of appeal has not been made part of the record under these rules"); see *Chavez v. State*, 183 S.W.3d 675, 680 (Tex.Crim.App. 2006) (appellate court must dismiss prohibited appeal without further action).

James T. Campbell
Justice

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