



IN THE
TENTH COURT OF APPEALS

No. 10-11-00420-CR

JOSE HIPOLITO DIAZ,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 272nd District Court
Brazos County, Texas
Trial Court No. 11-01361-CRF-272

MEMORANDUM OPINION

Jose Hipolito Diaz was convicted of the felony offense of assault--family violence with priors and sentenced to four years in prison. TEX. PENAL CODE ANN. § 22.01(b)(2) (West 2011). By letter dated November 8, 2011, the Clerk of this Court notified Diaz that his appeal was subject to dismissal because the certification of defendant's right of appeal which Diaz signed indicated that the underlying criminal case was a plea bargain case and Diaz had no right to appeal and that Diaz waived his right to appeal. See TEX. R. APP. P. 25.2(d). The Clerk also warned Diaz that the Court would dismiss the appeal unless, within 21 days of the date of the letter, a response was filed showing

grounds for continuing the appeal. *See* TEX. R. APP. P. 44.3. More than 21 days have passed and a response has not been filed.

Accordingly, this appeal is dismissed. TEX. R. APP. P. 44.3.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Appeal dismissed

Opinion delivered and filed December 14, 2011

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[CR25]