



**IN THE
TENTH COURT OF APPEALS**

No. 10-13-00042-CR

PAUL SERRATO,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 54th District Court
McLennan County, Texas
Trial Court No. 2003-171-C**

MEMORANDUM OPINION

Paul Serrato attempts to appeal the trial court's order denying his "Petition to Vacate Execution of Sentence Imposed and Recall of Jail and Prison Credits Awarded." Serrato's petition relates to his July 2003 conviction for the offense of possession of a controlled substance.

The certificate of the right to appeal for Serrato's July 2003 conviction states that it was a plea bargain case and he has no right to appeal and that he waived his right to appeal. *See* TEX. R. APP. P. 25.2(d). The record contains a written waiver of appeal

signed by Serrato. Serrato's petition states that he is not appealing the July 2003 conviction or sentence, but rather the execution of the judgment.

The Texas Rules of Appellate procedure provide that a "defendant has the right to appeal under Code of Criminal Procedure article 44.02 and these rules" when the trial court has entered "a judgment of guilt or other appealable order." TEX. R. APP. P 25.2 (a) (2); see *Staley v. State*, 233 S.W.3d 337, 338, Fn. 4 (Tex. Crim. App. 2007). Because Serrato is not appealing from a final judgment or other appealable order, we lack jurisdiction to consider this appeal.

Accordingly, the appeal is dismissed.

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Dismissed

Opinion delivered and filed October 10, 2013

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