



**IN THE
TENTH COURT OF APPEALS**

No. 10-21-00149-CR

XAVIER RASHAD LEE,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the County Court at Law
Walker County, Texas
Trial Court No. 19-0416**

MEMORANDUM OPINION

Xavier Lee appeals from the judgment of conviction rendered against him on May 26, 2021. However, the trial court's certification of his right of appeal, which Lee and his counsel signed, indicates that this is a plea-bargain case and that Lee has no right of appeal. Accordingly, this appeal must be dismissed. *See* 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."); *Chavez v. State*, 183

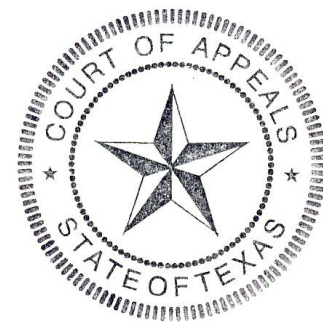
S.W.3d 675, 680 (Tex. Crim. App. 2006) (plea bargain); *Monreal v. State*, 99 S.W.3d 615, 622 (Tex. Crim. App. 2003) (waiver of appeal).

Notwithstanding that we are dismissing this appeal, Lee may file a motion for rehearing with this Court within 15 days after this opinion and judgment are rendered if he believes this opinion and judgment are erroneously based on inaccurate information or documents. *See* TEX. R. APP. P. 49.1. Moreover, if Lee desires to have the opinion and judgment of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within 30 days after either the day this Court's judgment is rendered or the day the last timely motion for rehearing is overruled by this Court. *See id.* R. 68.2(a).

For the reasons stated, this appeal is dismissed.

MATT JOHNSON
Justice

Before Chief Justice Gray,
Justice Johnson, and
Justice Wright¹
Appeal dismissed
Opinion delivered and filed December 22, 2021
Do not publish
[CR25]



¹ The Honorable Jim R. Wright, Senior Chief Justice (Retired) of the Eleventh Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE ANN. §§ 74.003, 75.002, 75.003.