

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-05-00285-CR  
NO. 03-05-00286-CR**

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**Robert Michael Porter, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE COUNTY COURT AT LAW NO. 5 OF TRAVIS COUNTY  
NOS. 695017 & 695018  
HONORABLE NANCY WRIGHT HOHENGARTEN, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Informations accusing appellant Robert Michael Porter of possessing less than two ounces of marihuana and evading arrest were filed in Travis County cause numbers 695017 and 695018. At his trial in cause number 695018, Porter admitted his guilt in cause number 695017 and that unadjudicated offense was taken into consideration in determining his sentence. *See* Tex. Pen. Code Ann. § 12.45 (West 2003). Porter filed notices of appeal in both causes.

There is no right of appeal from an order granting a section 12.45 motion. *Lackie v. State*, 70 S.W.3d 344, 345 (Tex. App.—Waco 2002, no pet.); *Hilburn v. State*, 946 S.W.2d 885, 886 (Tex. App.—Fort Worth 1997, no pet.). Appeal number 03-05-00285-CR is dismissed.

The trial court has certified that cause number 695018 is a plea bargain case and Porter has no right of appeal. *See* Tex. R. App. P. 25.2(a)(2). Appeal number 03-05-00286-CR is dismissed. *See id.* rule 25.2(d).

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Bea Ann Smith, Justice

Before Justices B. A. Smith, Puryear and Pemberton

Dismissed for Want of Jurisdiction

Filed: June 17, 2005

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