

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00508-CR

Ernest Benl McIntyre, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT
NO. 66893, HONORABLE JOE CARROLL, JUDGE PRESIDING**

ORDER

PER CURIAM

This Court dismissed Ernest Benl McIntyre's appeal from his judgment of conviction for possession of child pornography because the trial court certified that the underlying matter was a plea bargain case in which McIntyre had no right of appeal and that McIntyre waived the right of appeal. *See* Tex. R. App. P. 25.2(a)(2),(d). However, we subsequently received a supplemental clerk's record containing a certificate of defendant's right to appeal nunc pro tunc and a letter from the district court stating that McIntyre has the right of appeal. *See* Tex. R. App. P. 25.2(f).

Accordingly, we withdraw our opinion and judgment dated August 10, 2012, and reinstate the appeal.

It is ordered on September 28, 2012.

Before Chief Justice Jones, Justices Rose and Goodwin

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