



**NUMBER 13-08-00493-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**DAVID LUCIO MARTINEZ,**

**APPELLANT,**

**v.**

**THE STATE OF TEXAS,**

**APPELLEE.**

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**On Appeal from the 156th District Court  
of Bee County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Yanez, Garza and Vela  
Memorandum Opinion Per Curiam**

Appellant, David Lucio Martinez, attempts to appeal his conviction. The trial court has certified that this "is a plea-bargain case, and the defendant has NO right of appeal." See TEX. R. APP. P. 25.2(a)(2).

On August 22, 2008, this Court notified appellant's counsel of the trial court's certification and ordered counsel to: (1) review the record; (2) determine whether appellant has a right to appeal; and (3) forward to this Court, by letter, counsel's findings as to whether appellant has a right to appeal, or, alternatively, advise this Court as to the existence of any amended certification.

On September 25, 2008, counsel filed a letter brief with this Court. Counsel's response does not establish that the certification currently on file with this Court is incorrect or that appellant otherwise has a right to appeal.

The Texas Rules of Appellate Procedure provide that an appeal must be dismissed if the trial court's certification does not show that the defendant has the right of appeal. TEX. R. APP. P. 25.2(d); see TEX. R. APP. P. 37.1, 44.3, 44.4. Accordingly, this appeal is DISMISSED. Any pending motions are denied as moot.

PER CURIAM

Do not publish. See TEX. R. APP. P. 47.2(b).

Memorandum Opinion delivered  
and filed this the 23rd day of October, 2008.