



NUMBER 13-11-00144-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

ROLANDO MENDOZA,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

On Appeal from the 197th District Court
of Cameron County, Texas.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Garza
Memorandum Opinion Per Curiam**

Appellant, Rolando Mendoza, attempts to appeal a conviction for assault. The trial court has certified that “the defendant has waived the right of appeal.” See TEX. R. APP. P. 25.2(a)(2).

On March 18, 2011, 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 May 12, 2011, counsel filed a letter brief with this Court contending that there was a failure of consideration in the plea bargain agreement reached between appellant and the State. On June 20, 2011, the State filed a response to counsel's letter brief asserting that appellant waived his right to appeal and explaining how the record supports the trial court's certification.

The Court, having examined and fully considered the record before the Court, counsel's letter, and the State's response, concludes that appellant has not established: (1) that the certification currently on file with this Court is incorrect, or (2) 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. See TEX. R. APP. P. 25.2(d), 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Do not publish.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).
Delivered and filed the
11th day of August, 2011.