



NUMBER 13-18-00132-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

CRISTOBAL GARCIA,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 36th District Court
of San Patricio County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Benavides
Memorandum Opinion by Chief Justice Valdez**

Appellant Cristobal Garcia attempts to appeal his conviction for aggravated sexual assault of a child in cause number S-17-3337CR in the 36th District Court of San Patricio County, Texas. See TEX. PENAL CODE ANN. § 22.021(a)(2)(B) (West, Westlaw through 2017 1st C.S.). On initial submission to this Court, the trial court's certification was

unclear and we abated and remanded this cause to the trial court for re-certification of the appellant's right of appeal. See TEX. R. APP. P. 34.5(c), 44.3, 44.4. The trial court has subsequently 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 May 22, 2018, 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 June 13, 2018, counsel filed a response seeking the right to appeal in this case. 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. We note that appellant's appeal from trial court cause number S-17-3338CR in the 36th District Court of San Patricio County, Texas remains pending in our appellate cause number 13-18-00133-CR.

/s/ Rogelio Valdez
ROGELIO VALDEZ
Chief Justice

Do not publish.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

Delivered and filed this
28th day of June, 2018