



NUMBER 13-23-00290-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

ERSAN YURTMAN,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 227th District Court
of Bexar County, Texas.**

MEMORANDUM OPINION

**Before Justices Tijerina, Silva, and Peña
Memorandum Opinion by Justice Tijerina**

Appellant Ersan Yurtman filed a notice of appeal from a judgment of conviction for burglary of a habitation by force in trial court cause number 2022CR7951 in the 227th

District Court of Bexar County, Texas.¹ See TEX. PENAL CODE ANN. § 30.02. 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 June 30, 2023, 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 July 19, 2023, appellant’s counsel filed a response stating that based upon her review of the record, the trial court’s certification was correct, and that appellant did not have the right to appeal in this case.

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 *id.* R. 25.2(d), 37.1, 44.3, 44.4; *Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005); *Pena v. State*, 323 S.W.3d 522, 525–27 (Tex. App.—Corpus Christi—Edinburg 2010, no pet.); *Ernst v. State*, 159 S.W.3d 668, 670 (Tex. App.—Corpus Christi—Edinburg 2005, no pet.). Accordingly, we dismiss this appeal for lack of jurisdiction.

JAIME TIJERINA
Justice

Do not publish.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

Delivered and filed on the
24th day of August, 2023.

¹ This case is before the Court on transfer from the Fourth Court of Appeals in San Antonio pursuant to a docket equalization order issued by the Supreme Court of Texas. See TEX. GOV’T CODE ANN. § 73.001.