# Fourth Court of Appeals
## San Antonio, Texas

March 7, 2017

No. 04-17-00100-CR

David **LOPEZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

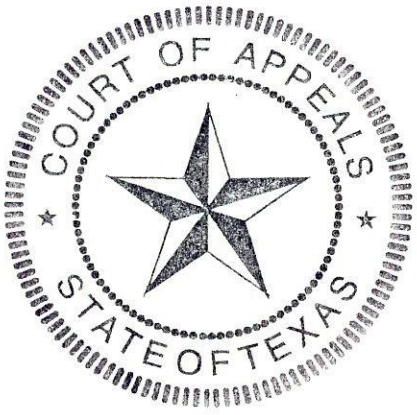
From the County Court At Law No 2, Guadalupe County, Texas
Trial Court No. CCL-17-0148
Honorable Frank Follis, Judge Presiding

## O R D E R

The trial court's certification in this appeal states that "this criminal case is a plea-bargain case, and the defendant has NO right of appeal." The clerk's record contains a written plea bargain, and the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed to by the defendant; therefore, the trial court's certification accurately reflects that the criminal case is a plea-bargain case. *See* TEX. R. APP. P. 25.2(a)(2). Rule 25.2(d) of the Texas Rules of Appellate Procedure provides, "The appeal must be dismissed if a certification that shows the defendant has the right of appeal has not been made part of the record under these rules." TEX. R. APP. P. 25.2(d). It is therefore ORDERED that this appeal will be dismissed pursuant to Rule 25.2(d) of the Texas Rules of Appellate Procedure unless appellant causes an amended trial court certification to be filed **within thirty days** from the date of this order showing appellant has the right of appeal. *See* TEX. R. APP. P. 25.2(d); 37.1; *see also Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, order). All other appellate deadlines are SUSPENDED pending our resolution of the certification issue.

Rebeca C. Martinez, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 7th day of March, 2017.




Keith E. Hottle
Clerk of Court