

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Lawrence Ray Jackson v. the State of Texas

No. 04-22-00845-CR · No. No. 04-22-00845-CR · Decided January 6, 2023

SUMMARY

The Fourth Court of Appeals of Texas orders appellant Lawrence Ray Jackson to respond regarding whether an amended trial-court certification establishes a right to appeal. The order notes that Jackson pleaded nolo contendere pursuant to a plea bargain, waived certain appellate rights, and received a sentence consistent with the agreement; it warns that the appeal will be dismissed if a satisfactory response is not filed.

OPINION

PER CURIAM.

FILE COPY Fourth Court of Appeals San Antonio, Texas January 6, 2023 No. 04-22-00845-CR Lawrence Ray JACKSON, Appellant v. The STATE of Texas, Appellee From the 227th Judicial District Court, Bexar County, Texas Trial Court No. 2018CR4080B Honorable Kevin M. O'Connell, Judge Presiding ORDER Appellant Lawrence Ray Jackson entered into a plea bargain with the State, pursuant to which he pleaded nolo contendere to the charged offense.

The trial court imposed a sentence on September 14, 2022 in accordance with the agreement and signed a certificate stating this “is a plea-bargain case, and the defendant has NO right of appeal.” See TEX. R. APP. P. 25.2(a)(2). This court must dismiss an appeal “if a certification that shows the defendant has the right of appeal has not been made part of the record.” *Id.* The clerk’s record includes the written plea bargain agreement which includes a waiver of the right to appeal those matter that were raised by written motion filed and ruled on before trial.

See *id.* 25.2(d). The record establishes the punishment assessed by the court does not exceed the punishment recommended by the prosecutor and agreed to by the defendant. See *id.* 25.2(a)(2). The record also appears to support the trial court’s certification that Appellant does not have a right to appeal. See *Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005) (holding court of appeals should review clerk’s record to determine whether trial court’s certification is accurate).

We therefore order appellant to file a response, by January 26, 2023, establishing an amended certification showing he has the right to appeal has been made part of the appellate record. See TEX. R. APP. P. 25.2(d), 37.1. If a supplemental clerk’s record is required to show appellant has the right to appeal, appellant must request a supplemental record from the trial court clerk and file a copy of the request with this court.

If appellant fails to satisfactorily respond to this order within the time provided, the appeal will be dismissed. FILE COPY We order all appellate deadlines suspended until further order of the court. We further order the clerk of this court to serve copies of this order on the attorneys of record and the court reporter. _____ Luz Elena D. Chapa, Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 6th day of January, 2023. _____ MICHAEL A. CRUZ, Clerk of Court