

Order filed June 11, 2020



In The

Eleventh Court of Appeals

No. 11-20-00077-CR

BRIONNA DARSHELLE GRANGER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 350th District Court
Taylor County, Texas
Trial Court Cause No. 13027-D**

ORDER

Appellant, Brionna Darshelle Granger, filed this appeal from a judgment adjudicating her guilt for the offense of tampering with evidence. Upon reviewing the record in this case, we have concluded that the trial court's certification of Appellant's right of appeal is defective, and we direct the trial court to amend its certification.

The certification contained in the clerk's record reflects that the trial court certified that this is a plea bargain case and that Appellant has no right of appeal.

See TEX. R. APP. P. 25.2(a)(2), (d). However, despite Appellant’s plea of true and the parties’ agreement with respect to punishment, this is not a plea bargain case. The Court of Criminal Appeals has explicitly held that Rule 25.2(a)(2) “refers only to plea bargains with regard to guilty pleas, not pleas of true on revocation motions.” *Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005). The *Dears* court further stated: “Regardless of whether a court feels that a defendant should be ‘bound’ by an agreement on a plea of true, the plain language of Rule 25.2(a)(2) does not contemplate that situation.” *Id.* Rule 25.2(a)(2) does not limit Appellant’s right to appeal from the judgment revoking her community supervision and adjudicating her guilt. *See id.* Thus, the trial court’s certification of Appellant’s right of appeal was “defective.” *See id.* at 615; *see also* TEX. R. APP. P. 37.1.

The trial court is directed to enter an amended certification reflecting that this is not a plea bargain case and that Appellant has a right to appeal, and the district clerk is directed to file in this court a supplemental clerk’s record containing the amended certification. *See* TEX. R. APP. P. 25.2(d), 34.5(c)(2), 37.1; *see also Dears*, 154 S.W.3d at 614. The amended certification is due to be filed in this court on or before June 26, 2020.

PER CURIAM

June 11, 2020

Do not publish.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

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.