

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00249-CR

Ex Parte: Juan Valenzuela-Rodriguez

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NO. 62936-A, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Juan Valenzuela-Rodriguez has filed a notice of appeal from the district court's findings of fact and conclusions of law and order denying his application for post-conviction writ of habeas corpus. *See* Tex. Code Crim. Proc. art. 11.09. The clerk's record contains a trial-court certification stating that Valenzuela-Rodriguez has waived his right to appeal. However, that certification relates to his judgment of conviction in cause number 62,936. The record in cause number 62,936-A does not contain a certification of Valenzuela-Rodriguez's right to appeal the district court's findings of fact and conclusions of law and order denying his application for post-conviction writ of habeas corpus.

The rules of appellate procedure provide, "The trial court shall enter a certification of the defendant's right of appeal each time it enters a judgment of guilt or other appealable order." Tex. R. App. P. 25.2(a)(2). Accordingly, we abate this cause and remand it to the district court for entry of a certification of Valenzuela-Rodriguez's right of appeal in cause number 62,936-A. *See*

Tex. R. App. P. 34.5(c), 37.1, 44.4; *Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005).

Once entered, the certification shall be included in a supplemental clerk's record and filed with this Court no later than 10 days from the date of this opinion.

Before Chief Justice Jones, Justices Goodwin and Field

Abated

Filed: May 15, 2013

Do Not Publish