

NO. 12-15-00264-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***BENJAMIN WAYNE DECKARD,
APPELLANT***

§ ***APPEAL FROM THE 3RD***

V.

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,
APPELLEE***

§ ***ANDERSON COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Appellant was convicted of three first degree felony and one state jail felony controlled substance offenses. In the first degree felony cases, he was sentenced to imprisonment for sixty, sixty, and fifty years, respectively. In the state jail felony case, he was sentenced to confinement for two years. Thereafter, Appellant filed a notice of appeal.

To be sufficient to invoke the appellate court's full jurisdiction, the notice of appeal filed by an appellant in a criminal case must bear the trial court's certification of the appellant's right to appeal under Texas Rule of Appellate Procedure 25.2(a)(2). TEX. R. APP. P. 25.2(d). The certification should be part of the record when notice is filed, but may be added by timely amendment or supplementation. *Id.* Appellant's notice of appeal does not include the required certification.

On December 4, 2015, this court notified Appellant through his counsel, pursuant to Texas Rules of Appellate Procedure 25.2 and 37.1, that the notice of appeal does not include the trial court certification. The notice also informed Appellant that the appeal would be dismissed unless, on or before December 14, 2015, the clerk's record was amended to include the required certification.

The deadline for responding to this court's notice has expired, and the clerk's record has

not been amended to show Appellant's right to appeal. Therefore, the appeal is *dismissed for want of jurisdiction*.

Opinion delivered December 16, 2015.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

DECEMBER 16, 2015

NO. 12-15-00264-CR

BENJAMIN WAYNE DECKARD,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 3rd District Court
of Anderson County, Texas (Tr.Ct.No. 31819)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.