

NO. 12-17-00025-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***ROBIN LOUISE GRIFFIN,
APPELLANT***

§ ***APPEAL FROM THE 159TH***

V.

§ ***JUDICIAL DISTRICT COURT***

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

§ ***ANGELINA COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Robin Louise Griffin pleaded guilty to five counts of possession of a controlled substance. The trial court sentenced Appellant to imprisonment for fifteen years on count one and twenty years for each of the remaining counts, to run concurrently. Appellant filed a notice of appeal.

The clerk's record has been filed. *See* TEX. R. APP. P. 25.2(d). The record contains the trial court's certification, which states that this "is a plea-bargain case, and the defendant has no right of appeal." The certification was signed by Appellant and defense counsel. *See id.* The certification, however, dated November 3, 2016, predates the December 28, 2016 judgment and sentence.

On February 27, 2017, this Court notified Appellant that the clerk's record filed in this case failed to contain the trial court's certification of Appellant's right of appeal specifically required by Texas Rule of Appellate Procedure 25.2(d). We further notified Appellant that, unless a supplemental clerk's record is filed with this Court in compliance with Rule 25.2(d) on or before March 14, 2017, the appeal would be referred to the Court for dismissal. The deadline has passed, and Appellant has not responded to this Court's notice. However, on March 14, we received correspondence from the trial court, which stated that this is a "plea/charge bargain

agreement” and that Appellant has no right of appeal. The trial court declined to file a supplemental clerk’s record.

When, as in this case, a “certification that shows the defendant has the right of appeal has not been made part of the record,” we must dismiss the appeal. TEX. R. APP. P. 25.2(d). Accordingly, we *dismiss* the appeal for *want of jurisdiction*.

Opinion delivered March 15, 2017.

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(DO NOT PUBLISH)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

MARCH 15, 2017

NO. 12-17-00025-CR

ROBIN LOUISE GRIFFIN,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 159th District Court
of Angelina County, Texas (Tr.Ct.No. 2016-0269)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this 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.