

Motion Granted; Dismissed and Memorandum Opinion filed October 16, 2014.



In The

Fourteenth Court of Appeals

NO. 14-13-01009-CR

THE STATE OF TEXAS, Appellant

V.

DALE GILBERT MOORE, Appellee

**On Appeal from the 10th District Court
Galveston County, Texas
Trial Court Cause No. 12CR0993**

M E M O R A N D U M O P I N I O N

The State filed a notice of appeal from the trial court's order signed April 26, 2013, granting appellee's motion to suppress the State's evidence. On October 8, 2014, the State filed a motion to dismiss the appeal in light of the recent decision from the Texas Court of Criminal Appeals in *State v. Redus*, ___ S.W.3d ___, Nos. PD-0067-14 & PD-0069-14, 2014 WL 4996396 (Tex. Crim. App. Oct. 8, 2014). In *Redus*, the Court held that the appellate court lacks jurisdiction unless the elected

prosecutor personally certifies, within the time to perfect the appeal, that the appeal is not taken to delay the trial and the suppressed evidence is of “substantial importance” to the case, in compliance with article 44.01(a)(5) of the Texas Code of Criminal Procedure. *Id.* at *2–*3. The certification in this case does not comply with the statute. *See* Tex. Code Crim. Proc. Ann. art. 44.01(a)(5).

We grant the State’s motion and order the appeal dismissed for want of jurisdiction.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Donovan and Brown.

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