

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00725-CR

Eric Daniel Maldonado, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF CALDWELL COUNTY, 421ST JUDICIAL DISTRICT
NO. 2011-086, HONORABLE TODD A. BLOMERTH, JUDGE PRESIDING**

MEMORANDUM OPINION

PER CURIAM

Appellant Eric Daniel Maldonado has filed a notice of appeal from the district court's judgment revoking Maldonado's deferred-adjudication community supervision and adjudicating him guilty of the offense of possession of a controlled substance. The clerk's record contains a trial-court certification indicating that this is a plea-bargain case and that Maldonado has no right of appeal. However, that certification relates to the original order of deferred adjudication. The record does not contain a certification of Maldonado's right to appeal the judgment adjudicating guilt.

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, the district court is required to enter a written certification of Maldonado's right of appeal from the judgment adjudicating guilt. *See Durgan v. State*, 240 S.W.3d 875, 877-78 (Tex. Crim. App. 2007).

We abate this cause and remand it to the district court for entry of a proper certification of Maldonado's right of appeal from the judgment adjudicating guilt. *See Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005); *see also Hargesheimer v. State*, 182 S.W.3d 906, 909 (Tex. Crim. App. 2006) (holding that case in which defendant pleads true to allegations in motion to adjudicate is not considered plea-bargain case for purposes of rule 25.2(a)(2)). Once entered, the certification shall be included in a supplemental clerk's record and filed with this Court no later than May 20, 2013.

Before Justices Puryear, Pemberton and Rose

Abated

Filed: May 9, 2013

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