

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-17-00524-CR**

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**Michael Ray Ellsworth, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF COMAL COUNTY, 207TH JUDICIAL DISTRICT  
NO. CR2016-318, THE HONORABLE GARY L. STEEL, JUDGE PRESIDING**

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**ORDER AND MEMORANDUM OPINION**

**PER CURIAM**

Appellant Michael Ray Ellsworth seeks to appeal his judgment of conviction for aggravated sexual assault of a child younger than six years of age. *See* Tex. Penal Code § 22.021(a)(1)(B), (2)(B), (f)(1). The clerk’s record does not contain the required trial court certification of appellant’s right of appeal, *see* Tex. R. App. P. 25.2(a)(2) (mandating trial court to enter certification of defendant’s right of appeal “each time it enters a judgment of guilt or other appealable order”), (d) (requiring record to include trial court’s certification), and the district clerk has informed this Court that a certification cannot be produced because no such document has been filed with the clerk.

This appeal is therefore abated and the trial court is directed to prepare and file its certification of appellant’s right of appeal as required by the Texas Rules of Appellate Procedure.

*See* Tex. R. App. P. 25.2(a)(2), 44.4. A supplemental clerk's record containing the trial court's certification shall be filed with this Court no later than November 9, 2017. *See* Tex. R. App. P. 25.2(d), 34.5(c)(2).

It is so ordered on October 10, 2017.

Before Chief Justice Rose, Justices Pemberton and Goodwin

Abated and Remanded

Filed: October 10, 2017

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