

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00553-CR

In re Keith Taylor

**FROM THE 390TH DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-DC-11-300144, THE HONORABLE JULIE H. KOCUREK, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Keith Taylor seeks to appeal the denial of his motion for DNA testing under Code of Criminal Procedure chapter 64. However, the clerk’s record does not contain the required certification of Taylor’s right to appeal. *See* Tex. R. App. P. 25.2(a)(2) (requiring such certification “each time” trial court “enters a judgment of guilt or other appealable order”), 25.2(d) (requiring appellate record to include such certification); *see also* Tex. Code Crim. Proc. art. 64.05 (providing for appeals under chapter providing for motions for DNA testing “in the same manner as an appeal of any other criminal matter”). Although the clerk’s record contains a document titled “Trial Court’s Certification of Defendant’s Right to Appeal,” the document is a blank form and therefore does not indicate whether Taylor has a right to appeal. *See* Tex. R. App. P. 25.2(d) (describing required contents).

We therefore abate this appeal and remand the case to the trial court for preparation and filing of a completed certification regarding Taylor’s right to appeal. *See* Tex. R. App. P. 34.5(c)(2) (where appellate court orders trial court to prepare certification of defendant’s right

of appeal, “the trial court clerk must prepare, certify, and file in the appellate court a supplemental record”), 37.1 (requiring notice to parties if certification appears defective). A supplemental clerk’s record containing the trial court’s completed certification must be filed with this Court no later than September 26, 2022.

It is ordered on August 26, 2022.

Before Chief Justice Byrne, Justices Kelly and Smith

Abated and Remanded

Filed: August 26, 2022

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