



**NUMBER 13-16-00058-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**MICHAEL DEWAYNE DIAZ,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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**On appeal from the 130th District Court  
of Matagorda County, Texas.**

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## **MEMORANDUM OPINION**

**Before Justices Benavides, Perkes, and Longoria  
Memorandum Opinion Per Curiam**

This appeal was abated by this Court on February 10, 2016, and remanded to the trial court for a determination of whether appellant is indigent and entitled to appointed counsel. The trial court made findings of fact and conclusions of law and this Court ordered the Honorable Bill Leathers to notify this Court of the status of his representation.

The Honorable Bill Leathers has notified this Court that he is appellant's counsel. Accordingly this appeal is REINSTATED.

Appellant, Michael Dewayne Diaz, attempts to appeal a conviction for escape. The trial court has certified that "the defendant has waived the right of appeal." See TEX. R. APP. P. 25.2(a)(2). On March 4, 2016, this Court notified appellant's counsel of the trial court's certification and ordered counsel to: (1) review the record; (2) determine whether appellant has a right to appeal; and (3) forward to this Court, by letter, counsel's findings as to whether appellant has a right to appeal, or, alternatively, advise this Court as to the existence of any amended certification.

On March 28, 2016, counsel responded by filing an affidavit with this Court. Counsel's response does not establish that the certification currently on file with this Court is incorrect or that appellant otherwise has a right to appeal.

The Texas Rules of Appellate Procedure provide that an appeal must be dismissed if the trial court's certification does not show that the defendant has the right of appeal. TEX. R. APP. P. 25.2(d); see TEX. R. APP. P. 37.1, 44.3, 44.4. Accordingly, this appeal is DISMISSED.

PER CURIAM

Do not publish.  
See TEX. R. APP. P. 47.2(b).

Delivered and filed the  
19th day of May, 2016.