

NO. 12-14-00107-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***JULIO SAUCEDO,
APPELLANT***

§ ***APPEAL FROM THE 145TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,
APPELLEE***

§ ***NACOGDOCHES COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of jurisdiction. Pursuant to a plea agreement with the State, Appellant pleaded guilty in 2003 to possession of marijuana and was placed on deferred adjudication probation for eight years. He was discharged from probation in 2007.

On March 18, 2013, Appellant filed an application for writ of habeas corpus citing Texas Code of Criminal Procedure Article 11.072. The trial court denied Appellant's application on April 4, 2014. Appellant timely filed a notice of appeal expressing his intent to appeal the trial court's order denying habeas relief.

Effective January 1, 2003, Texas Rule of Appellate Procedure 25.2 states that a 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). Orders denying habeas relief requested pursuant to Article 11.072 are no exception to this rule. *See, e.g., Ex parte Jessup*, Nos. 07-07-00332-CR, 07-07-00333-CR, 2008 WL 191032, at *1 & n.2 (Tex. App.—Amarillo Jan. 23, 2008, order); *Maydon v. State*, 141 S.W.3d 851, 853 n.2 (Tex. App.—Corpus Christi 2004, no pet.).

If the required certification has not been made part of the record, the appeal must be dismissed. TEX. R. APP. P. 25.2(2)(d). Consequently, this court notified Appellant on June 9, 2014, pursuant to Texas Rules of Appellate Procedure 25.2 and 37.1, that the notice of appeal

does not include the trial court's certification of his right to appeal. The notice also informed Appellant that the appeal would be dismissed unless, on or before June 24, 2014, the clerk's record was amended to include the required certification.

The deadline for responding to this court's notice has expired, and the clerk's record has not been amended to show Appellant's right to appeal. Therefore, the appeal is *dismissed for want of jurisdiction*.

Opinion delivered June 25, 2014.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

JUNE 25, 2014

NO. 12-14-00107-CR

JULIO SAUCEDO,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 145th District Court
of Nacogdoches County, Texas (Tr.Ct.No. F10816-2002)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this court is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.