

**NO. 12-17-00171-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***JOSE JARAMILLO GARCIA,  
APPELLANT***

§ ***APPEAL FROM THE 114TH***

***V.***

§ ***JUDICIAL DISTRICT COURT***

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

§ ***SMITH COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

In September 2016, Jose Jaramillo Garcia pleaded “guilty” to injury to a child, and the trial court placed Appellant on deferred adjudication community supervision for five years. The State subsequently moved to adjudicate Appellant’s guilt. Appellant pleaded “true” to violating certain conditions of his community supervision, and the trial court revoked Appellant’s community supervision, found him guilty of injury to a child, and sentenced Appellant to confinement for two years in state jail. Appellant filed a notice of appeal.

The clerk’s record has been filed. *See* TEX. R. APP. P. 25.2(d). The record contains the trial court’s certification, which states that Appellant waived the right to appeal. The certification was signed by Appellant and his counsel. *See id.* The clerk’s record also contains a waiver of appeal signed by Appellant, and does not otherwise indicate the trial court gave Appellant permission to appeal. *See* TEX. R. APP. P. 25.2(a)(2).

Based on our review of the clerk’s record, the trial court’s certification appears to accurately state that Appellant does not have the right to appeal. *See Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005) (holding that court of appeals should review clerk’s record to determine whether trial court’s certification is accurate). This Court must dismiss an appeal “if a certification that shows the defendant has the right of appeal has not been made part of the record.” TEX. R. APP. P. 25.2(d). Accordingly, we *dismiss* the appeal.

Opinion delivered June 30, 2017.

*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

(DO NOT PUBLISH)



**COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**

**JUDGMENT**

**JUNE 30, 2017**

**NO. 12-17-00171-CR**

**JOSE JARAMILLO GARCIA,**

Appellant

V.

**THE STATE OF TEXAS,**

Appellee

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Appeal from the 114th District Court  
of Smith County, Texas (Tr.Ct.No. 114-0802-16)

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THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this appeal should be dismissed.

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

By *per curiam* opinion.

*Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.*