

**NO. 12-17-00221-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***RENE VALLE FLORES,  
APPELLANT***

§ ***APPEAL FROM THE***

***V.***

§ ***COUNTY COURT AT LAW NO. 3***

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

§ ***SMITH COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

Rene Valle Flores pleaded guilty to “discharge of [a] firearm in certain municipalities.” The trial court sentenced Appellant to thirty days in county 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 a document composed of the plea admonishments and trial court’s certification, which both Appellant and his counsel signed. The admonishments state, “I further do hereby fully and completely waive my right to appeal[.]” The certification states, “If you waived, or gave up, your right to appeal, you cannot appeal your conviction.” The certification also states, “I [trial judge] further approve the Waiver of right to Counsel, waiver of right to appeal, and/or the waiver of jury trial pursuant to Art. 1.13. C.C.P.” The clerk’s record 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 reflect that Appellant does not have the right to appeal. *See Dears v. State*, 154 S.W.3d 610, 614-15 (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 September 6, 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(DO NOT PUBLISH)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

SEPTEMBER 6, 2017

NO. 12-17-00221-CR

**RENE VALLE FLORES,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

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Appeal from the County Court at Law No 3  
of Smith County, Texas (Tr.Ct.No. 003-80529-17)

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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.