

NO. 12-17-00223-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***JOHN RUSSELL SOMMER, JR.,
APPELLANT***

§ ***APPEAL FROM THE***

V.

§ ***COUNTY COURT***

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

§ ***ANDERSON COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

John Russell Sommer, Jr. was convicted of theft and sentenced to six months in county jail, but the trial court suspended imposition of the sentence and placed Appellant on community supervision. Appellant filed a notice of appeal.

To be sufficient to invoke the appellate court's full jurisdiction, the notice of appeal filed by an appellant in a criminal case must bear the trial court's certification of the appellant's right to appeal. *See* TEX. R. APP. P. 25.2(d). The certification should be part of the record when the notice is filed, but may be added by timely amendment or supplementation. *Id.* In this case, Appellant's notice of appeal does not include the required certification.

On August 17, 2017, this Court notified Appellant that the clerk's record failed to contain the trial court's certification of Appellant's right of appeal specifically required by Texas Rule of Appellate Procedure 25.2(d). The notice warned that, unless a supplemental clerk's record was filed with this Court in compliance with Rule 25.2(d), on or before August 28, 2017, the appeal would be referred to the Court for dismissal.

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. 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). Therefore, the appeal is *dismissed for want of jurisdiction*.

See TEX. R. APP. P. 43.2(f); *see also Nyamete* v. *State*, No. 12-16-00080-CR, 2016 WL 2766108 (Tex. App.—Tyler May 11, 2016, no pet.) (mem. op., not designated for publication).

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(DO NOT PUBLISH)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. 12-17-00223-CR

JOHN RUSSELL SOMMER, JR.,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the County Court
of Anderson County, Texas (Tr.Ct.No. 63634)

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 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., Hoyle, J. and Neeley, J.