

**NOS. 12-17-00257-CR
12-17-00258-CR
12-17-00259-CR
12-17-00260-CR**

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***TYUS ANSON DUDLEY,
APPELLANT***

§ *APPEALS FROM THE 241ST*

V.

§ *JUDICIAL DISTRICT COURT*

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

§ *SMITH COUNTY, TEXAS*

***MEMORANDUM OPINION
PER CURIAM***

Pursuant to plea bargain agreements, Tyus Anson Dudley pleaded guilty to possession of a controlled substance, two charges of tampering with or fabricating physical evidence, and manufacture and delivery of a controlled substance. In accordance with the plea agreements, the trial court sentenced Appellant to imprisonment for ten years on the possession charge and twenty-five years each for the remaining three offenses, to run concurrently. Appellant filed notices of appeal.

The clerk's record has been filed in all four cases. *See* TEX. R. APP. P. 25.2(d). In cause number 12-17-00257-CR, the record contains the trial court's certification, which states that this "is a plea-bargain case, and the Defendant has NO right of appeal." The certification further states that Appellant waived the right to appeal. The certification was signed by Appellant's counsel, but not Appellant. *See id.* However, the clerk's record also contains a waiver of appeal signed by Appellant. In cause numbers 12-17-00258-CR, 12-17-00259-CR, and 12-17-00260-CR, the records contain certifications that do not indicate whether or not Appellant has the right to appeal. Nevertheless, the records each contain a waiver of the right to appeal signed by

Appellant and his counsel. Additionally, all four records contain a document entitled “Advice of Defendant’s Right to Appeal,” which state, “If you waived or gave up your right to appeal, you cannot appeal your conviction.” Appellant signed each document, acknowledging that he understood it. None of the four records otherwise indicate the trial court gave Appellant permission to appeal. *See* TEX. R. APP. P. 25.2(a)(2).

“[A] valid waiver of appeal, whether negotiated or non-negotiated, will prevent a defendant from appealing without the consent of the trial court.” *Monreal v. State*, 99 S.W.3d 615, 622 (Tex. Crim. App. 2003). If the right to appeal has been effectively waived, the notice of appeal gives the appellate court no jurisdiction and the appeal is to be dismissed. *Cox v. State*, No. 12-11-00297-CR, 2012 WL 2501031, at *3 (Tex. App.—Tyler June 29, 2012, no pet.) (mem. op., not designated for publication). 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 appeals.

Opinion delivered October 31, 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

OCTOBER 31, 2017

NO. 12-17-00257-CR

TYUS ANSON DUDLEY,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 241st District Court
of Smith County, Texas (Tr.Ct.No. 241-0412-17)

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.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 31, 2017

NO. 12-17-00258-CR

TYUS ANSON DUDLEY,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 241st District Court
of Smith County, Texas (Tr.Ct.No. 241-0413-17)

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.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 31, 2017

NO. 12-17-00259-CR

TYUS ANSON DUDLEY,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 241st District Court
of Smith County, Texas (Tr.Ct.No. 241-08652-17)

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.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 31, 2017

NO. 12-17-00260-CR

TYUS ANSON DUDLEY,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 241st District Court
of Smith County, Texas (Tr.Ct.No. 241-0866-17)

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.