

NO. 12-17-00399-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***VICTOR RODRIGUEZ-SERRANO,
APPELLANT***

§ ***APPEAL FROM THE 188TH***

V.

§ ***JUDICIAL DISTRICT COURT***

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

§ ***GREGG COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Pursuant to a plea agreement, Victor Rodriguez-Serrano pleaded guilty to possession of a controlled substance. In accordance with the plea agreement, the trial court sentenced Appellant to three years deferred adjudication community supervision. 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 this "is a plea agreement case, and the defendant has NO RIGHT OF APPEAL." The certification was signed by Appellant and his counsel. *See id.* 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 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 January 31, 2018.

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(DO NOT PUBLISH)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

JANUARY 31, 2018

NO. 12-17-00399-CR

VICTOR RODRIGUEZ-SERRANO,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 188th District Court
of Gregg County, Texas (Tr.Ct.No. 46496-A)

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.