

NO. 12-18-00289-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

ELEUTERIO SALMERON-GOMEZ, § ***APPEAL FROM THE 114TH***
APPELLANT

V. § ***JUDICIAL DISTRICT COURT***

THE STATE OF TEXAS, § ***SMITH COUNTY, TEXAS***
APPELLEE

MEMORANDUM OPINION
PER CURIAM

Eleuterio Salmeron-Gomez appeals from his conviction for driving while intoxicated, third or more. According to the trial court's certification, Appellant waived the right to appeal. The certification was signed by Appellant and his counsel. *See* TEX. R. APP. P. 25.2(d). The record also contains an express waiver of the right to appeal, which is also signed by Appellant and his counsel.

When the defendant is the appellant, the record must include the trial court's certification of the defendant's right of appeal. *Id.* 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." *Id.* Because the trial court did not grant Appellant the right to appeal his conviction, we *dismiss* the appeal.

Opinion delivered November 5, 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(DO NOT PUBLISH)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

NOVEMBER 5, 2018

NO. 12-18-00289-CR

ELEUTERIO SALMERON-GOMEZ,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 114th District Court
of Smith County, Texas (Tr.Ct.No. 114-0355*18)

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.