

NOS. 12-19-00113-CR  
12-19-00114-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>DAVID PEREZ,</i> <i>APPELLANT</i>	§	<i>APPEALS FROM THE 241ST</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS,</i> <i>APPELLEE</i>	§	<i>SMITH COUNTY, TEXAS</i>

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*MEMORANDUM OPINION*  
*PER CURIAM*

David Perez appeals from his convictions for unlawful interception, use, or disclosure of wire, oral, or electronic communications and unlawful use of a criminal instrument. In both cases, the trial court’s certification of Appellant’s right to appeal states that these are plea-bargain cases and Appellant has no right of appeal. The certification in each case is signed by Appellant and his counsel. See TEX. R. APP. P. 25.2(d). The clerk’s record in each case also contains waivers of appeal 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.* Based on our review of the clerk’s record in each appeal, the trial court’s certifications appear 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). Because the trial court did not grant Appellant the right to appeal his convictions, we *dismiss* the appeals.

Opinion delivered May 8, 2019.

*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(DO NOT PUBLISH)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**

**MAY 8, 2019**

**NO. 12-19-00113-CR**

**DAVID PEREZ,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

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Appeal from the 241st District Court  
of Smith County, Texas (Tr.Ct.No. 241-1445-18)

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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.*



**COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**

**JUDGMENT**

**MAY 8, 2019**

**NO. 12-19-00114-CR**

**DAVID PEREZ,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

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Appeal from the 241st District Court  
of Smith County, Texas (Tr.Ct.No. 241-1446-18)

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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.*