

NO. \_\_\_\_\_

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

§

OF

§

McLENNAN COUNTY, TEXAS

**TRIAL COURT’S CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL**

I, Judge of the trial Court, certify this criminal case:

\_\_\_\_\_ is not a plea-bargain case, and the Defendant has the right of appeal; (or)

\_\_\_\_\_ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the Defendant has the right of appeal; (or)

\_\_\_\_\_ is a plea-bargain case, but the trial Court has given permission to appeal, and the Defendant has the right of appeal; (or)

\_\_\_\_\_ is a plea-bargain case, and the Defendant has NO right of appeal; (or)

\_\_\_\_\_ the Defendant has waived the right of appeal.

Date: \_\_\_\_\_.

\_\_\_\_\_  
Judge Presiding

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a pro se petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeal's judgment and opinion to my last known address and that I have only 30 days in which to file a pro se petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a pro se petition for discretionary review.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Counsel

State Bar Number: \_\_\_\_\_

Printed name: \_\_\_\_\_

*Texas Rule of Appellate Procedure 25.2 (a) (2) states: "A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case – that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the Defendant – a defendant may appeal only: (a) those matters that were raised by written motion filed and ruled on before trial, or (b) after getting the trial court's permission to appeal."*