

**COUNTY CRIMINAL COURT 2
EL PASO COUNTY, TEXAS**

THE STATE OF TEXAS

VS

CAUSE NO.

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF 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- is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal.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.

Judge

Date Signed

“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 rights 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.” TEXAS RULES OF APPELLATE PROCEDURE 25.2(a)(2).

COURT'S NOTICE TO DEFENDANT OF RIGHT TO APPEAL

You have the right to appeal your conviction and sentence. The requirements for timely filing a sufficient notice of appeal are that:

- (1) You or your attorney file with the County Clerk a document entitled "Notice of Appeal" which shows you intend to appeal from the judgment of the court, **AND**
- (2) You or your attorney file the "Notice of Appeal" within 30 days after the day sentence is imposed or suspended in open court or after the day the court enters an appealable order, **or** within 90 days after the day sentence is imposed or suspended in open court **if** the defendant timely files a motion for new trial.

You have the right to petition the Court of Criminal Appeals for Discretionary Review of your case. If you had an appointed attorney for the appeal, that attorney most likely will not be appointed to file a petition with the Court of Criminal Appeals. You are not entitled to appointed counsel to file this petition. You have the right to retain counsel at your expense. You also have the right to file the petition pro se.

The requirements for timely filing a Petition for Discretionary Review are that:

- (1) You file your petition with the clerk of the Court of Appeals within 30 days after
 - (a) The Court of Appeals' judgment was rendered or
 - (b) the day the last timely motion for rehearing was overruled by the Court Of Appeals, **and**
- (2) that the petition conforms to the requirements set out in the Texas Rules Of Appellate procedure, Rule 68.4.

I have received a copy of this certification on this date. 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 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.

DEFENDANT'S NAME

Mailing Address

City, State, Zip

Telephone number

Fax number (if any)

ATTORNEY'S NAME

State Bar of Texas ID number

Mailing Address

City, State, Zip

Telephone number Fax number (if any)