

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

THE STATE OF TEXAS

§  
§  
§  
§  
§

IN THE 7TH JUDICIAL

VS.

DISTRICT COURT OF

\_\_\_\_\_

SMITH COUNTY, TEXAS

**TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL\***

I, KERRY L. RUSSELL, JUDGE OF THE TRIAL COURT, CERTIFY THIS CRIMINAL CASE:

- THIS IS NOT A PLEA-BARGAIN CASE, AND THE DEFENDANT HAS THE RIGHT OF APPEAL; (OR)
- THIS A PLEA-BARGAIN CASE, BUT MATTERS WERE RAISED BY WRITTEN MOTION FILED AND RULED ON BEFORE TRIAL AND NOW WITHDRAW N 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; (OR)

\_\_\_\_\_  
**Date Signed**

\_\_\_\_\_  
**HONORABLE KERRY L. RUSSELL**  
**Judge, 7th Judicial District Court**  
**Smith County, Texas**

\* 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 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  
Mailing Address:

\_\_\_\_\_  
DEFENDANT'S COUNSEL  
Bar Card No. \_\_\_\_\_  
Mailing Address:

\_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_

\_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_

\*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. TEXAS RULE OF APPELLATE PROCEDURE 25.2(a)(2)