

NO. _____

THE STATE OF TEXAS

§

THE COUNTY COURT AT LAW

VS.

§

OF

§

McLENNAN COUNTY, TEXAS

WAIVER OF APPEAL

I, the Defendant in the above styled and numbered cause, after consultation with my attorney, in open Court, being fully aware of the sentence pronounced against me by the Court, hereby acknowledge and understand that I have the following rights:

- 1) to file a motion for new trial and an amended motion for new trial within thirty (30) days of the entry of a Judgment and Sentence, Order Granting Probation, Order Revoking Probation or other appealable order of this Court;
- 2) the right to request the Court's permission to appeal if the punishment assessed against me did not exceed the recommendation of the State contained in the Disclosure of Plea Agreement, if any;
- 3) the right to appeal matters raised by written motion and presented to and ruled upon by the Court prior to my trial;
- 4) the right to give notice of appeal and to appeal from the Judgment, Sentence or other appealable order of this Court, unless prohibited by law from doing so; and,
- 5) if I appeal and if I am indigent, the right to a free record and transcript, and the further right to court-appointed counsel to prosecute my appeal.

By my signature below, I hereby voluntarily **WAIVE** all rights to appeal, except I hereby reserve and do not waive my rights to appeal the following matter(s) raised by written motion and ruled upon by the trial Court before trial: _____

Date: _____

Defendant (only as to waiver of appeal)

APPROVED

Defendant's Counsel

CERTIFICATION OF DEFENDANT'S RIGHT TO APPEAL

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."

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. TRAP 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 (Only as to certification of appellate rights)

APPROVED

Defendant's Counsel

I, Judge of the trial Court, hereby **APPROVE** all waivers herein, and I further **CERTIFY** that 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