



MEMORANDUM OPINION

No. 04-08-00642-CR

Kimberly **BERAIN**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 379th Judicial District Court, Bexar County, Texas
Trial Court No. 2006-CR-8738
Honorable Bert Richardson, Judge Presiding

PER CURIAM

Sitting: Alma L. López, Chief Justice
 Rebecca Simmons, Justice
 Steven C. Hilbig, Justice

Delivered and Filed: October 29, 2008

DISMISSED

The trial court’s certification in this appeal states that the case is a “plea-bargain case, and the defendant has NO right of appeal.” Rule 25.2(d) of the Texas Rules of Appellate Procedure provides, “[t]he appeal must be dismissed if a certification that shows the defendant has a right of appeal has not been made part of the record under these rules.” TEX. R. APP. P. 25.2(d).

Appellant’s counsel filed a written notice with this court that counsel reviewed the record and “can find no right of appeal for Appellant.” We construe this notice as an indication that appellant will not seek to file an amended trial court certification showing that she has the right

of appeal. *See* TEX. R. APP. P. 25.2(d); 37.1; *see also Daniels v. State*, 110 S.W.3d 174, 177 (Tex. App.—San Antonio 2003, no pet.). In light of the record presented, we agree with appellant’s counsel that Rule 25.2(d) requires this court dismiss this appeal. Accordingly, this appeal is dismissed.

PER CURIAM

DO NOT PUBLISH