

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00396-CR

CONNIE LYNN HODGES, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 410th District Court
Montgomery County, Texas
Trial Cause No. 10-04-03413 CR**

MEMORANDUM OPINION

On August 20, 2010, the trial court sentenced Connie Lynn Hodges on a conviction for possession of a controlled substance. Hodges filed a notice of appeal on August 31, 2010. The trial court entered a certification of the defendant's right to appeal in which the court certified that this is a plea-bargain case and the defendant has no right of appeal. *See* Tex. R. App. P. 25.2(a)(2). The district clerk provided the trial court's certification to the Court of Appeals and we notified the parties that we would dismiss the appeal unless the appellant established grounds for continuing the appeal. The appellant

has not filed a response, but the clerk's record and the reporter's record have been filed. The records show that appellant pled guilty to an indictment without enhancement allegations and signed a waiver of her right to appeal, and that the State gave consideration for the waiver by acquiescing to the defendant's waiver of a jury trial. *See Ex parte Broadway*, 301 S.W.3d 694, 697 (Tex. Crim. App. 2009).

The record does not contain a certification that shows the defendant has the right of appeal. *See* Tex. R. App. P. 25.2(d). Furthermore, the record does not show that the certification is defective. *See Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005). Accordingly, we dismiss the appeal.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Opinion Delivered November 3, 2010
Do Not Publish
Before Gaultney, Kreger, and Horton, JJ.