

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00615-CR

DARIAN WAYNE GUTIEREZ, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 11-11287

MEMORANDUM OPINION

On September 28, 2011, the trial court sentenced Darian Wayne Gutierrez on a conviction for burglary of a building. Gutierrez filed a notice of appeal on October 18, 2011. 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 has provided the trial court's certification to the Court of Appeals. On November 1, 2011, we notified the parties that we would dismiss the appeal unless the appellant established grounds for continuing the

appeal. The appellant filed a response but failed to establish that the trial court's certification should be amended. Because the record does not contain a certification that shows the defendant has the right of appeal, we must dismiss the appeal. *See* Tex. R. App. P. 25.2(d). Accordingly, we dismiss the appeal.

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Opinion Delivered November 30, 2011
Do Not Publish
Before Gaultney, Kreger, and Horton, JJ.