



NUMBER 13-10-00382-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

BRODERICK SMITH,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

On Appeal from the 94th District Court
of Nueces County, Texas.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Vela
Memorandum Opinion Per Curiam**

Appellant, Broderick Smith, attempts to appeal a conviction for graffiti. The trial court has certified that “the defendant has waived the right of appeal.” See TEX. R. APP. P. 25.2(a)(2).

On July 26, 2010, this Court notified appellant's counsel of the trial court's certification and ordered counsel to: (1) review the record; (2) determine whether appellant has a right to appeal; and (3) forward to this Court, by letter, counsel's findings as to whether appellant has a right to appeal, or, alternatively, advise this Court as to the existence of any amended certification.

On September 7, 2010, counsel filed a letter brief with this Court. Counsel's response does not establish: (1) that the certification currently on file with this Court is incorrect, or (2) that appellant otherwise has a right to appeal.

The Texas Rules of Appellate Procedure provide that an appeal must be dismissed if the trial court's certification does not show that the defendant has the right of appeal. TEX. R. APP. P. 25.2(d); see TEX. R. APP. P. 37.1, 44.3, 44.4. Accordingly, this appeal is DISMISSED.

PER CURIAM

Do not publish.
See TEX. R. APP. P. 47.2(b).
Delivered and filed the
16th day of September, 2010.