

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00357-CR

**JOSEPH KARL BARKER a/k/a JOE BARKER
a/k/a JOSEPH K. BARKER, Appellant**

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 09-05811**

MEMORANDUM OPINION

On July 6, 2009, the trial court sentenced Joseph Karl Barker a/k/a Joe Barker a/k/a Joseph K. Barker on a conviction for burglary of a habitation. Barker filed a notice of appeal on July 29, 2009. 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 August 4, 2009, we notified the parties that we

would dismiss the appeal unless the appellant established grounds for continuing the appeal. No response has been filed. 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 August 26, 2009
Do Not Publish
Before McKeithen, C.J., Gaultney and Horton, JJ.