

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

---

**NO. 09-10-00530-CR**

---

**DANIEL ALLEN, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

---

---

**On Appeal from the 356th District Court**  
**Hardin County, Texas**  
**Trial Cause No. 20891**

---

---

**MEMORANDUM OPINION**

On October 1, 2010, the trial court sentenced Daniel Allen on a conviction for aggravated assault on a public servant. Allen filed a notice of appeal on October 18, 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 has provided the trial court's certification to the Court of Appeals. On January 31, 2011, we notified the parties that we would dismiss the appeal unless the appellant established grounds for continuing the

appeal. The appellant requested additional time to present a motion for new trial to the trial court. Appellant has not established 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.

---

STEVE McKEITHEN  
Chief Justice

Opinion Delivered February 23, 2011  
Do Not Publish

Before McKeithen, C.J., Kreger and Horton, JJ.