

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00409-CR

BRANDON D. KIRKSEY, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law No. 2
Jefferson County, Texas
Trial Cause No. 318582

MEMORANDUM OPINION

On November 14, 2018, the trial court sentenced Brandon D. Kirksey on a conviction for assault involving family violence. On October 30, 2018, Kirksey prematurely filed a notice of appeal. On November 14, 2018, the trial court signed a certification in which the court certified that the defendant has waived his right of appeal. *See* Tex. R. App. P. 25.2(a)(2). The certification is signed by Kirksey and by his trial counsel. The district clerk has provided the trial court's certification to

the Court of Appeals. On November 15, 2018, 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 trial court's certification shows the defendant does not have the right of appeal, we must dismiss the appeal. *See* Tex. R. App. P. 25.2(d). Accordingly, we dismiss the appeal.

APPEAL DISMISSED.

CHARLES KREGER
Justice

Submitted on December 18, 2018
Opinion Delivered December 19, 2018
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.