

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00440-CR

RUSSELL LEE MIDKIFF, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 9th District Court
Montgomery County, Texas
Trial Cause No. 18-09-12844-CR**

MEMORANDUM OPINION

On December 20, 2018, the trial court sentenced Russell Lee Midkiff on a conviction for assault. Midkiff filed a notice of appeal. The district clerk has provided the trial court's certification to the Court of Appeals. The trial court certified that this is a plea-bargain case, and the defendant has waived the right of appeal. *See* Tex. R. App. P. 25.2(a)(2).

On January 7, 2019, 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.

CHARLES KREGER
Justice

Submitted on February 5, 2019
Opinion Delivered February 6, 2019
Do Not Publish

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