

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-21-00246-CR

BENNIE RAY JOHNSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 19-07-09863-CR**

MEMORANDUM OPINION

On August 9, 2021, the trial court sentenced Bennie Ray Johnson, Appellant, on a conviction for burglary of a habitation. Johnson filed a notice of appeal on August 23, 2021. 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 25, 2021, we sent a letter that notified the parties that we would dismiss the appeal unless within fifteen days the appellant filed a response that established the certification from the trial court is incorrect. We have not received a response from the appellant to our letter. Because the record does not contain a certification that shows Johnson 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.

PER CURIAM

Submitted on October 5, 2021
Opinion Delivered October 6, 2021
Do Not Publish

Before Golemon, C.J., Kreger and Johnson, JJ.