

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-23-00064-CR

KYNDAL ERIN POGUE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 22-08-10509-CR**

MEMORANDUM OPINION

On November 29, 2022, the trial court sentenced Kyndal Erin Pogue in Trial Cause Number 22-08-10509-CR. The trial court signed a certification in which the trial court certified that this is a plea-bargain case and Pogue has no right of appeal. *See* Tex. R. App. P. 25.2(a)(2). Nonetheless, Pogue filed a notice of appeal. The District Clerk provided the certification to the Court of Appeals.

On February 24, 2023, we notified the parties that we would dismiss the appeal unless the appellant established the certification was incorrect. None of the

parties responded to the Court's notice. Since the record lacks a certification saying that Pogue has the right of appeal, we dismiss the appeal. *See* Tex. R. App. P. 25.2(d).

APPEAL DISMISSED.

PER CURIAM

Submitted on March 28, 2023
Opinion Delivered March 29, 2023
Do Not Publish

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