



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-09-00075-CR

JEFFREY TAD FLETCHER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 173rd Judicial District Court
Henderson County, Texas
Trial Court No. A-16,693

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Jeffrey Tad Fletcher filed a notice of appeal¹ March 16, 2009, stating that he "presents his notice of appeal of the Court's rulings on pretrial motions." On our review of the clerk's record, we noted that the certification of Fletcher's right of appeal states that this "is a plea-bargain case, and the defendant has NO right of appeal." Further, the plea agreement states, "The Defendant now understanding all rights in this connection, freely, and voluntarily waives and abandons his right to appeal in this cause."

On April 22, 2009, we mailed a letter to appellant's counsel requesting that she show this Court how we had jurisdiction over this appeal, and warning her that, if we did not receive an adequate response within twenty days of the date of the letter, we would dismiss the appeal for want of jurisdiction. It is now June 8, and no response has been received.

Unless a certification showing that a defendant has the right of appeal is in the record, we must dismiss the appeal. *See* TEX. R. APP. P. 25.2(d). Because the trial court's certification affirmatively shows Fletcher has no right of appeal, and because the record before us does not reflect that the certification is incorrect, *see Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005), we must dismiss the appeal.

¹Originally appealed to the Twelfth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001 (Vernon 2005). We are unaware of any conflict between precedent of the Twelfth Court of Appeals and that of this Court on any relevant issue. *See* TEX. R. APP. P. 41.3.

We dismiss the appeal for want of jurisdiction.

Jack Carter
Justice

Date Submitted: June 8, 2009

Date Decided: June 9, 2009

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