



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

No. 06-09-00211-CR

THEOPOLIS CARSON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 202nd Judicial District Court
Bowie County, Texas
Trial Court No. 09F0347-202

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

MEMORANDUM OPINION

Theopolis Carson has filed a pro se notice of appeal from his conviction for the offense of theft. We have now received the certification of Carson's right of appeal as required by Rule 25.2 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 25.2. That certification states that Carson waived his right of appeal.

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 Carson has waived his 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 for want of jurisdiction.

We dismiss the appeal.

Josh R. Morriss, III
Chief Justice

Date Submitted: January 7, 2010
Date Decided: January 8, 2010

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