



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

No. 06-10-00224-CR

DAVID JOHN BLUMEN, III, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 102nd Judicial District Court
Bowie County, Texas
Trial Court No. 09F0218-102

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

MEMORANDUM OPINION

David John Blumen, III, has filed pro se a notice of appeal from his conviction of possession of a controlled substance. On our review of the clerk's record, we noted that the trial court's certification of right of appeal stated that this was a negotiated plea agreement case and that Blumen has no 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 Blumen 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.

We dismiss the appeal for want of jurisdiction.

Jack Carter
Justice

Date Submitted: December 16, 2010

Date Decided: December 17, 2010

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