



NUMBER 13-10-00280-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

BRIAN JAMES LUCAS,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

On appeal from the 36th District Court
of San Patricio County, Texas.

MEMORANDUM OPINION

Before Chief Justice Valdez and Justices Yañez and Garza
Memorandum Opinion Per Curiam

Appellant, Brian James Lucas, attempts to appeal a conviction for possession of heroin. The trial court has certified that “the defendant has waived the right of appeal.”

See TEX. R. APP. P. 25.2(a)(2).

On July 22, 2010, this Court notified appellant's counsel of the trial court's certification and ordered counsel to: (1) review the record; (2) determine whether appellant has a right to appeal; and (3) forward to this Court, by letter, counsel's findings as to whether appellant has a right to appeal, or, alternatively, advise this Court as to the existence of any amended certification.

On August 11, 2010, counsel filed a letter brief with this Court. Counsel's response does not establish: (1) that the certification currently on file with this Court is incorrect, or (2) that appellant otherwise has a right to appeal.

The Texas Rules of Appellate Procedure provide that an appeal must be dismissed if the trial court's certification does not show that the defendant has the right of appeal. TEX. R. APP. P. 25.2(d); see TEX. R. APP. P. 37.1, 44.3, 44.4. Accordingly, this appeal is DISMISSED.

PER CURIAM

Do not publish.
TEX. R. APP. P. 47.2(b).
Delivered and filed
the 25th day of August, 2010.