

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

James Roy Thomas v. The State of Texas

No. 03-26-00441-CR · No. No. 03-26-00441-CR · Decided May 29, 2026

SUMMARY

The Texas Court of Appeals, Third District, abated James Roy Thomas’s appeal from the denial of his application for writ of habeas corpus and remanded the matter to the trial court. The trial court was directed to enter a certification of Thomas’s right of appeal from the habeas order and provide a supplemental clerk’s record by June 12, 2026.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Per Curiam; Justice Triana; Justice Kelly; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	May 29, 2026
DOCKET	No. 03-26-00441-CR
DISPOSITION	remanded
PROCEDURAL POSTURE	Pro se appeal from the denial of an application for writ of habeas corpus.
PRECEDENTIAL VALUE	Unpublished; marked Do Not Publish
PARTIES	James Roy Thomas v. The State of Texas

TOPICS

- [appellate procedure](#) [habeas corpus](#) [state post-conviction relief](#) [criminal procedure](#)

PRACTICE AREAS

- [criminal procedure](#) [habeas corpus](#) [appellate procedure](#)

QUESTIONS PRESENTED

- Whether the appeal should be abated and remanded because the trial court failed to certify Thomas's right of appeal from the order denying his habeas application.

HOLDINGS

1. Because the record did not contain the required certification of Thomas's right of appeal from the order denying habeas corpus relief, the appeal must be abated and remanded to the trial court for entry of that certification.

KEY QUOTATIONS

“Accordingly, we abate this appeal and remand the cause to the trial court for entry of a certification of Thomas’s right of appeal from the order denying habeas corpus relief.”

FACTUAL BACKGROUND

Thomas sought habeas corpus relief in the trial court and filed a notice of appeal after the trial court denied his application. The clerk's record contained a certification addressing his deferred-adjudication order, which was a plea-bargain case for which he had no right of appeal, but it lacked a certification addressing the May 1, 2026 habeas-denial order.

PROCEDURAL HISTORY

Thomas filed a pro se notice of appeal from the 426th District Court of Bell County's order denying his habeas application. The appellate record included a certification concerning the underlying deferred-adjudication order but did not include the required certification concerning the May 1, 2026 order denying habeas corpus relief. The court abated the appeal and remanded the cause for the trial court to enter the required certification.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The trial court must enter a certification of Thomas's right of appeal from the order denying habeas corpus relief. A supplemental clerk's record containing the certification must be filed with the appellate court no later than June 12, 2026.

OPINION

James Roy Thomas v. the State of Texas

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-26-00441-CR

James Roy Thomas, Appellant v. The State of Texas, Appellee

FROM THE 426TH DISTRICT COURT OF BELL COUNTY

NO. 25DCR91207-AA, THE HONORABLE STEVEN J. DUSKIE, JUDGE PRESIDING

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant James Roy Thomas has filed a pro se notice of appeal from the denial of his application

for writ of habeas corpus. See Tex. Code Crim. Proc. art. 11.072, § 8. The clerk's record contains the trial court's certification of Thomas's right of appeal with respect to the court's deferred-adjudication order—which reflects that the case was a plea-bargain case for which Thomas has no right of appeal. However, the record does not include the required certification relating to the court's May 1, 2026 order denying Thomas's habeas application, which is the order he seeks to appeal. See Tex. R. App. P. 25.2(a)(2) (requiring trial court to enter certification of defendant's right of appeal “each time it enters a judgment of guilt or other appealable order”), (d) (requiring record to include certification). Accordingly, we abate this appeal and remand the cause to the trial court for entry of a certification of Thomas's right of appeal from the order denying habeas corpus relief. See id. R. 25.2(a)(2), 44.4. A supplemental clerk's record containing the trial court's certification shall be filed with this Court no later than June 12, 2026. See id. R. 34.5(c)(2). It is so ordered May 29, 2026. Before Justices Triana, Kelly, and Ellis Abated and Remanded Filed: May 29, 2026 Do Not Publish 2