

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Gil Rojas III v. The State of Texas

Rojas · No. 04-25-00670-CR · Decided April 8, 2026

SUMMARY

The Fourth Court of Appeals of Texas dismissed Gil Rojas III's appeal from a plea-bargained aggravated robbery conviction. The court held that the trial court's certification accurately stated that Rojas had no right to appeal under Texas Rule of Appellate Procedure 25.2(d), and no amended certification granting a right to appeal had been filed.

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-25-00670-CR Gil ROJAS III, Appellant v. The STATE of Texas, Appellee From the 437th Judicial District Court, Bexar County, Texas Trial Court No. 2025-CR-000036 Honorable Joel Perez, Judge Presiding PER CURIAM Sitting: Adrian A. Spears II, Justice H. Todd McCray, Justice Velia J. Meza, Justice Delivered and Filed: April 8, 2026 DISMISSED Pursuant to a plea-bargain agreement, Gil Rojas III pled nolo contendere to aggravated robbery and was sentenced to thirty years of imprisonment in accordance with the terms of his plea-bargain agreement.

On September 30, 2025, the trial court signed a certification of defendant's right to appeal stating that this "is a plea-bargain case, and the defendant has NO right of appeal." See TEX. R. APP. P. 25.2(a)(2). After Rojas filed a notice of appeal, the trial court clerk sent copies of the certification and notice of appeal to this court. See id. 25.2(e).

The 04-25-00670-CR clerk's record, which includes the trial court's Rule 25.2(a)(2) certification, has been filed. See id. 25.2(d). "In a plea bargain case... a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, (B) after getting the trial court's permission to appeal; or (C) where the specific appeal is expressly authorized by statute." Id. 25.2(a)(2).

The clerk's record, which contains a written plea bargain, establishes the punishment assessed by the court does not exceed the punishment recommended by the prosecutor and agreed to by Rojas. See id. The clerk's record does not include a written motion filed and ruled upon before trial; nor does it indicate that the trial court gave its permission to appeal.

See id. Thus, the trial court's certification appears to accurately reflect that this is a plea-bargain case and that Rojas does not have a right to appeal. We must dismiss an appeal "if a certification

that shows the defendant has the right of appeal has not been made part of the record.” Id. 25.2(d).

We informed Rojas that this appeal would be dismissed pursuant to Texas Rule of Appellate Procedure 25.2(d) unless an amended trial court certification showing that he had the right to appeal was made part of the appellate record. See TEX. R. APP. P. 25.2(d), 37.1; Daniels v. State, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, order). No such amended trial court certification has been filed.

Therefore, this appeal is dismissed pursuant to Rule 25.2(d). PER CURIAM DO NOT PUBLISH
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