

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

Nathan Alexander Cubillos v. The State of Texas

No. 04-25-00552-CR · No. 04-25-00552-CR · Decided November 26, 2025

SUMMARY

The Fourth Court of Appeals of San Antonio dismissed Nathan Alexander Cubillos’s appeal from a negotiated plea. The court held that the trial court’s certification accurately stated that Cubillos had no right to appeal under Texas Rule of Appellate Procedure 25.2, and no amended certification establishing a right to appeal was filed.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Lori Massey Brissette, Justice; Adrian A. Spears II, Justice; H. Todd McCray, Justice
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	November 26, 2025
DOCKET	04-25-00552-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a negotiated plea in the 227th Judicial District Court of Bexar County, Texas.
PRECEDENTIAL VALUE	Unpublished and nonprecedential; opinion marked DO NOT PUBLISH.
PARTIES	Nathan Alexander Cubillos v. The State of Texas

TOPICS

- appellate procedure
- plea bargaining
- criminal procedure

PRACTICE AREAS

- Texas criminal appellate procedure
- plea-bargain appeals

QUESTIONS PRESENTED

- Whether the appellate court was required to dismiss the appeal under Texas Rule of Appellate Procedure 25.2(d) because the record showed a negotiated plea and did not contain a certification establishing a

right to appeal.

HOLDINGS

1. A defendant who entered a negotiated plea may appeal only the matters authorized by Texas Rule of Appellate Procedure 25.2(a)(2), and the appeal must be dismissed when the record lacks a trial-court certification showing a right to appeal.

KEY QUOTATIONS

“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.” (at 1)

“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.”” (at 1)

FACTUAL BACKGROUND

Cubillos entered into a written plea bargain, and the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed to by Cubillos. The clerk’s record contained no written motion filed and ruled on before trial and no indication that the trial court granted permission to appeal. The trial court’s certification stated that Cubillos had no right of appeal.

PROCEDURAL HISTORY

Cubillos filed a notice of appeal from a negotiated plea. The trial court certified that the case was a plea-bargain case and that Cubillos had no right of appeal. The appellate court ordered that the appeal would be dismissed unless an amended certification showing a right to appeal was filed, but no amended certification was filed.

DISPOSITION

dismissed

CASES CITED

- Dears v. State, 154 S.W.3d 610 (Tex. Crim. App. 2005)
- Daniels v. State, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, no pet.)

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-25-00552-CR Nathan Alexander CUBILLOS, Appellant v. The STATE of Texas, Appellee From the 227th Judicial District Court, Bexar County, Texas Trial Court No. 2025-CR-006282 Honorable Christine Del Prado, Judge Presiding PER CURIAM Sitting: Lori Massey Brissette, Justice Adrian

A. Spears II, Justice H. Todd McCray, Justice Delivered and Filed: November 26, 2025 APPEAL DISMISSED Appellant Nathan Alexander Cubillos filed a notice of appeal from a negotiated plea.

The clerk's record contains a trial court's certification stating "this criminal case [] is a plea-bargain case, and the defendant has NO right of appeal." See TEX. R. APP. P. 25.2(a)(2). "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. We must dismiss an appeal "if a certification 04-25-00552-CR that shows the defendant has the right of appeal has not been made part of the record." Id. R. 25.2(d).

The clerk's record contains a written plea bargain, and the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed to by appellant. The clerk's record also does not include a written motion filed and ruled upon before trial; nor does it indicate the trial court gave appellant permission to appeal.

Thus, the trial court's certification appears to accurately reflect this is a plea-bargain case, and appellant does not have a right to appeal. See id. R. 25.2; *Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005).

On September 10, 2025, we ordered that this appeal would be dismissed pursuant to rule 25.2(d) unless an amended trial court certification showing that appellant has the right to appeal was made part of the appellate record by October 10, 2025. See TEX. R. APP. P. 25.2(d), 37.1; see also *Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, no pet.).

No amended trial court certification has been filed. Therefore, this appeal is dismissed pursuant to Rule 25.2(d). PER CURIAM DO NOT PUBLISH -2-