

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.

OPINION

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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

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