

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

Kavonnie Edwards v. Jeremiah McNezer

No. 08-26-00187-CR (Tex. App.—El Paso May 28, 2026) (mem.) · No. No. 08-26-00187-CR · Decided May 28, 2026

SUMMARY

The Eighth Court of Appeals of Texas dismissed Kavonnie Edwards’s attempted appeal from the criminal mischief judgment entered against Jeremiah McNezer. The court held that Edwards, as the complaining witness rather than a party to the criminal proceeding, lacked standing to appeal and that the court therefore lacked jurisdiction.

CASE DETAILS

COURT	Court of Appeals of Texas, Eighth District, El Paso
WRITING FOR THE COURT	Maria Salas Mendoza, Chief Justice; Palafox, Justice; Soto, Justice
JURISDICTION	Court of Appeals of Texas, Eighth District, El Paso
DECIDED	May 28, 2026
DOCKET	No. 08-26-00187-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Edwards, the complaining witness in a criminal case, attempted to appeal the trial court's judgment finding McNezer guilty of misdemeanor criminal mischief. The court of appeals dismissed the attempted appeal for want of jurisdiction because Edwards was not a party to the criminal proceeding and therefore lacked appellate standing.
STANDARD OF REVIEW	Whether appellate jurisdiction exists is a jurisdictional question; standing is a component of subject-matter jurisdiction.
PRECEDENTIAL VALUE	Unpublished, nonprecedential memorandum opinion; marked "Do Not Publish."
PARTIES	Kavonnie Edwards v. Jeremiah McNezer

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure
- mootness

PRACTICE AREAS

criminal appellate procedure

criminal procedure

appellate jurisdiction

QUESTIONS PRESENTED

1. Whether a complaining witness who is not a party to a criminal proceeding has standing to appeal the criminal judgment or contest its disposition.
2. Whether the court of appeals had jurisdiction over an appeal filed by the complaining witness rather than by the State or the criminal defendant.

HOLDINGS

1. A complaining witness is not a party to a criminal proceeding and lacks standing to participate as a party or contest the disposition of the criminal charge, including by appealing the trial court's judgment.
2. The court of appeals lacked jurisdiction over an appeal filed by an improper party and was required to dismiss the appeal for want of jurisdiction.

KEY QUOTATIONS

“A complaining witness is not a party to a criminal proceeding; only the State and the defendant are parties to a criminal case.” (at 2)

“We dismiss this appeal for want of jurisdiction.” (at 3)

FACTUAL BACKGROUND

McNezer was indicted for felony criminal mischief alleged to have been committed against Edwards and later pleaded guilty to the lesser-included Class A misdemeanor offense. Edwards, identified as the complaining witness, attempted to appeal the judgment and the restitution awarded, although she was not a party to the criminal prosecution.

PROCEDURAL HISTORY

A grand jury indicted McNezer for felony criminal mischief allegedly committed against Edwards. On March 19, 2026, McNezer pleaded guilty to the lesser-included Class A misdemeanor offense. Edwards filed a notice of appeal challenging the judgment and restitution. The court of appeals notified her that it appeared she lacked standing and that the court lacked jurisdiction, but she did not respond; the court dismissed the appeal and dismissed pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Tex. Ass’n of Bus. v. Tex. Air Control Bd., 852 S.W.2d 440, 444 (Tex. 1993)

- *Gunn v. Cavanaugh*, 391 S.W.2d 723, 724–25 (Tex. 1965)
- *State v. Naylor*, 466 S.W.3d 783, 787 (Tex. 2015)
- *In re Marriage of Thrash*, 605 S.W.3d 224, 228–29 (Tex. App.—San Antonio 2020, pet. denied)
- *Tex. Quarter Horse Ass’n v. Am. Legion Dep’t of Tex.*, 496 S.W.3d 175, 181–82 (Tex. App.—Austin 2016, no pet.)
- *In re State ex rel. Sistrunk*, 142 S.W.3d 497, 502 (Tex. App.—Houston [14th Dist.] 2004, orig. proceeding) (per curiam)
- *Cardenas v. State*, No. 13-23-00443-CR, 2024 WL 5199222, at *10 (Tex. App.—Corpus Christi Dec. 19, 2024, no pet.) (mem. op., not designated for publication)
- *Davis v. State*, 177 S.W.3d 355, 362 (Tex. App.—Houston [1st Dist.] 2005, no pet.) (en banc)

OPINION

Kavonnie Edwards v. Jeremiah McNezer

PER CURIAM.

COURT OF APPEALS

EIGHTH DISTRICT OF TEXAS

EL PASO, TEXAS

No. 08-26-00187-CR Kavonnie Edwards, Appellant v. Jeremiah McNezer, Appellee On Appeal from the 34th District Court El Paso County, Texas Trial Court No. 20230D05266

M E M O R A N D U M O P I N I O N

Appellant, Kavonnie Edwards, attempts to appeal from the trial court’s March 19, 2026 judgment finding the appellee, Jeremiah McNezer, guilty of criminal mischief. We dismiss the appeal. On August 31, 2023, a grand jury returned an indictment charging McNezer with the felony offense of criminal mischief, alleged to have been committed against Edwards. Subsequently, on March 19, 2026, McNezer pleaded guilty to the lesser-included class A misdemeanor offense of criminal mischief. The complaining witness, Edwards, filed a notice of appeal on April 23, 2026, stating that she did “not agree with the decision of this case nor the restitution that was granted.” Edwards also stated that she “would like [her] day in court” and was “requesting an appeal to appear in court.” “Standing is a component of subject-matter jurisdiction, *Tex. Ass’n of Bus. v. Tex. Air Control Bd.*, 852 S.W.2d 440, 444 (Tex. 1993), and appellate standing is typically afforded ‘only to parties of record,’ *Gunn v. Cavanaugh*, 391 S.W.2d 723, 724–25 (Tex. 1965).” *State v. Naylor*, 466 S.W.3d 783, 787 (Tex. 2015); see *In re Marriage of Thrash*, 605 S.W.3d 224, 228–29 (Tex. App.—San Antonio 2020, pet. denied); *Tex. Quarter Horse Ass’n v. Am. Legion Dep’t of Tex.*, 496 S.W.3d 175, 181 (Tex. App.—Austin 2016, no pet.). As a result, we lack jurisdiction over, and must dismiss, an appeal filed by an improper party. *Naylor*, 466 S.W.3d at 787; see *Thrash*, 605 S.W.3d at 228–29; *Tex. Quarter Horse Ass’n*, 496 S.W.3d at 182. Here, the notice of appeal was filed by Edwards, the complaining witness in the case. A complaining witness is not a party to a criminal proceeding; only the State and the defendant are parties to a criminal case. See Texas

Code Crim. Proc. art. 56A.054 (“A victim, guardian of a victim, or close relative of a deceased victim does not have standing to: (1) participate as a party in a criminal proceeding; or (2) contest the disposition of any charge.”); *In re State ex rel. Sistrunk*, 142 S.W.3d 497, 502 (Tex. App.—Houston [14th Dist.] 2004, orig. proceeding) (per curiam) (stating that family members of a deceased victim were not parties to a criminal proceeding and could not challenge the disposition of the defendant’s case); Tex. Code Crim. Proc. art. 3.02 (stating that “[a] criminal action is prosecuted in the name of the State of Texas against the accused”); *Cardenas v. State*, No. 13-23-00443-CR, 2024 WL 5199222, at *10 (Tex. App.—Corpus Christi Dec. 19, 2024, no pet.) (mem. op., not designated for publication) (holding that the complaining witness was not a party to the criminal action); *Davis v. State*, 177 S.W.3d 355, 362 2 (Tex. App.—Houston [1st Dist.] 2005, no pet.) (en banc) (same); see generally Tex. Code Crim. Proc. §§ 27.01–27.20 (defining the pleadings in criminal actions, which include an indictment on the part of the State and pleadings by the defendant). Edwards, as the complaining witness in this proceeding, lacks standing to participate as a party in the proceeding or to contest the trial court’s judgment. See, e.g., Tex. Code Crim. Proc. art. 56A.054. On May 7, 2026, we issued an order notifying Edwards that it appeared that (1) she lacked standing to pursue an appeal of the trial court’s judgment and (2) we lacked jurisdiction over this attempted appeal. Moreover, we ordered Edwards to file a response to our order, by May 18, 2026, showing how she has standing to pursue this appeal and how we have jurisdiction over this appeal. Edwards did not file a response showing that she has standing or that we have jurisdiction. We dismiss this appeal for want of jurisdiction. We dismiss any pending motions as moot. MARIA SALAS MENDOZA, Chief Justice May 28, 2026 Before Salas Mendoza, C.J., Palafox and Soto, JJ. (Do Not Publish) 3