

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PRECEDENTIAL VALUE	Unpublished, nonprecedential memorandum opinion; marked "Do Not Publish."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)

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