

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Asdrubal Rodriguez v. The State of Texas

Rodriguez · No. 01-25-00639-CR · Decided February 26, 2026

SUMMARY

The First Court of Appeals of Texas dismissed Asdrubal Rodriguez’s attempted appeal from an aggravated-robbery conviction for lack of jurisdiction. The court held that Rodriguez had no right to appeal because he pleaded guilty under a plea bargain, agreed to a sentencing cap and waived appeal, and the trial court certified that no right of appeal existed.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Guerra; Justice Caughey; Justice Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	February 26, 2026
DOCKET	01-25-00639-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Rodriguez attempted to appeal a judgment of conviction for aggravated robbery after pleading guilty under a plea bargain, agreeing to a sentencing cap, and waiving his right of appeal.
STANDARD OF REVIEW	The court reviewed its appellate jurisdiction based on the clerk's record and the trial court's certification of the defendant's right to appeal.
PRECEDENTIAL VALUE	Nonprecedential; designated do not publish under TEX. R. APP. P. 47.2(b).
PARTIES	Asdrubal Rodriguez v. The State of Texas

TOPICS

- appellate jurisdiction
- plea bargaining
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Texas criminal appellate procedure
- plea-bargained criminal appeals
- appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an appeal from a plea-bargain conviction when the defendant waived his right of appeal and the trial court certified that he had no right to appeal.

HOLDINGS

1. Because Rodriguez pleaded guilty under a plea bargain, agreed to a sentencing cap, waived his right of appeal, and had no applicable authorization to appeal, the court lacked jurisdiction and was required to dismiss the appeal.

KEY QUOTATIONS

“Because appellant has no right of appeal, we must dismiss the appeal for lack of jurisdiction.” (2)

FACTUAL BACKGROUND

Rodriguez pleaded guilty to aggravated robbery and agreed to waive his right of appeal as part of the plea agreement. The State agreed to a sentencing cap of 40 years, and the trial court sentenced Rodriguez to 20 years in prison. The trial court certified that he had no right of appeal.

PROCEDURAL HISTORY

The 179th District Court of Harris County entered a judgment of conviction and sentenced Rodriguez to 20 years in prison. The trial court certified that Rodriguez had no right of appeal because the case was a plea-bargain case. The First Court of Appeals dismissed the appeal for lack of jurisdiction and dismissed pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Wilson v. State, 264 S.W.3d 104, 108 (Tex. App.—Houston [1st Dist.] 2007, no pet.)
- Chavez v. State, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006)

OPINION

PER CURIAM.

Opinion issued February 26, 2026 In The Court of Appeals For The First District of Texas NO. 01-25-00639-CR ASDRUBAL RODRIGUEZ, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 179th District Court Harris County, Texas Trial Court Case No. 1859676 MEMORANDUM OPINION Appellant Asdrubal Rodriguez attempted to appeal from a judgment of conviction for the offense of aggravated robbery for which appellant was sentenced to 20 years in prison.

See TEX. PEN. CODE § 29.03. Rodriguez’s appointed counsel has advised the Court that Rodriguez waived the right of appeal. “In a plea bargain case—that is, a case in which a defendant’s plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant—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.” TEX. R. APP.

P. 25.2(a)(2). “An agreement to a sentencing cap is an agreed plea bargain for purposes of Rule 25.2(a)(2).” *Wilson v. State*, 264 S.W.3d 104, 108 (Tex. App.—Houston [1st Dist.] 2007, no pet.). The clerk’s record indicates that Rodriguez pleaded guilty and as part of his plea, he agreed to waive his right to appeal.

In exchange for his guilty plea, the State agreed to a sentencing cap of 40 years instead of the full range of sentencing available for a first-degree felony, 5 to 99 years or life in prison. See TEX. PENAL CODE §12.32(a).

The trial court sentenced Rodriguez to 20 years in prison, and it certified that Rodriguez had no right of appeal because this was a plea-bargain case. Because appellant has no right of appeal, we must dismiss the appeal for lack of jurisdiction. See *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006).

Accordingly, we dismiss this appeal. Any pending motions are dismissed as moot. 2 PER CURIAM Panel consists of Justices Guerra, Caughey, and Dokupil. Do not publish. TEX. R. APP. P. 47.2(b). 3