

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Abdias Kobe Espinoza v. The State of Texas

No. 02-25-00474-CR (Tex. App.—Fort Worth Jan. 30, 2026) · No. No. 02-25-00474-CR · Decided January 30, 2026

SUMMARY

The Court of Appeals for the Second District of Texas dismissed Abdias Kobe Espinoza’s appeal from convictions for burglary of a habitation and aggravated robbery. The court relied on the trial court’s certification that the case was a plea-bargain case with no right of appeal, as well as Espinoza’s failure to respond to the court’s notice.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Dana Womack; Wallach; Walker
JURISDICTION	Court of Appeals for the Second District of Texas at Fort Worth
DECIDED	January 30, 2026
DOCKET	No. 02-25-00474-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Espinoza appealed convictions for burglary of a habitation with intent to commit a felony other than felony theft and aggravated robbery following guilty pleas under a charge bargain. The court dismissed the appeal after determining that the written plea agreement and trial court certification waived and denied any right of appeal, and after Espinoza failed to respond to the court's notice.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked Do Not Publish under Tex. R. App. P. 47.2(b).
PARTIES	Abdias Kobe Espinoza v. The State of Texas

TOPICS

- appellate procedure
- plea bargaining
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court of appeals could entertain an appeal when the defendant pleaded guilty pursuant to a charge bargain, waived his right to appeal in the written plea agreement, and the trial court certified that he had no right of appeal.

HOLDINGS

1. The court dismissed the appeal because the trial court's certification stated that Espinoza had no right of appeal, consistent with his plea agreement, and Espinoza failed to show grounds for continuing the appeal.

KEY QUOTATIONS

“Consistent with Espinoza’s plea agreement, the trial court’s “Certification of Defendant’s Right of Appeal” states that this “is a plea-bargain case, and the defendant has NO right of appeal.”” (at 2)

FACTUAL BACKGROUND

Espinoza was charged with burglary of a habitation with intent to commit a felony other than felony theft and aggravated robbery, along with four additional counts. Pursuant to a charge bargain, he pleaded guilty to the two non-waived counts in exchange for the State's waiver of the other four counts. The trial court sentenced him to forty-five years' confinement on each count, to run concurrently, and certified that he had no right to appeal because the case was plea-bargained and his written plea agreement waived appeal.

PROCEDURAL HISTORY

Espinoza pleaded guilty to two counts in exchange for the State's waiver of four other counts. The trial court accepted the pleas, entered convictions, and imposed concurrent forty-five-year sentences. The trial court certified that the case was a plea-bargain case and that Espinoza had no right of appeal. After notifying Espinoza that the appeal would be dismissed absent a showing of grounds for continuing it, the court received no response and dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Harper v. State, 567 S.W.3d 450, 454–55 (Tex. App.—Fort Worth 2019, no pet.)
- Menendez v. State, No. 02-24-00033-CR, 2024 WL 1207297, at *1 (Tex. App.—Fort Worth Mar. 21, 2024, no pet.) (per curiam) (mem. op., not designated for publication)

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