

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Christopher Michael Hottell v. the State of Texas

No. 04-26-00249-CR · No. No. 04-26-00249-CR · Decided June 3, 2026

SUMMARY

The Fourth Court of Appeals of San Antonio dismissed Christopher Michael Hottell’s appeal from convictions for manslaughter and aggravated assault causing serious bodily injury. The court held that the trial court’s certification correctly stated that Hottell had no right to appeal because the case was resolved by a plea bargain, and no amended certification authorizing appeal was filed.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Irene Rios, Justice; Lori I. Valenzuela, Justice; Lori Massey Brissette, Justice
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	June 3, 2026
DOCKET	No. 04-26-00249-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a criminal conviction following a plea bargain; the court of appeals dismissed the appeal because the record showed that appellant had no right to appeal and no amended certification establishing a right to appeal was filed.
PRECEDENTIAL VALUE	Nonprecedential; memorandum opinion marked DO NOT PUBLISH.
PARTIES	Christopher Michael Hottell v. The State of Texas

TOPICS

- appellate procedure
- plea bargaining
- criminal procedure

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure
- plea bargaining

QUESTIONS PRESENTED

1. Whether the appeal could proceed when the trial court's certification stated that appellant waived the right of appeal and had no right to appeal in a plea-bargain case.
2. Whether the appeal should be dismissed under Texas Rule of Appellate Procedure 25.2(d) when the record contained no qualifying pretrial motion, no trial-court permission to appeal, and no amended certification establishing a right to appeal.

HOLDINGS

1. In a plea-bargain case in which the punishment imposed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant, the defendant may appeal only matters raised by a written pretrial motion and ruled on before trial, matters for which the trial court granted permission to appeal, or matters expressly authorized by statute.
2. The court must dismiss an appeal when the record does not contain a certification showing that the defendant has the right to appeal, and dismissal is proper when the defendant fails to obtain and file an amended certification after notice.

KEY QUOTATIONS

“We must dismiss an appeal “if a certification that shows the defendant has the right of appeal has not been made part of the record” (2)

FACTUAL BACKGROUND

Pursuant to a plea bargain, Christopher Michael Hottell pleaded no contest to one count of manslaughter and one count of aggravated assault causing serious bodily injury. The trial court sentenced him to ten years' confinement on each count, with the sentences running concurrently. The written plea bargain established that the punishment imposed did not exceed the punishment recommended by the prosecutor and agreed to by appellant.

PROCEDURAL HISTORY

Appellant pleaded no contest to manslaughter and aggravated assault causing serious bodily injury pursuant to a plea-bargain agreement. The trial court imposed concurrent ten-year sentences and certified that appellant waived the right of appeal and had no right to appeal. After notifying appellant that the appeal would be dismissed unless an amended certification was filed, the court received no response and no amended certification.

DISPOSITION

dismissed

CASES CITED

- Daniels v. State, 110 S.W.3d 174, 177 (Tex. App.—San Antonio 2003, order)

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-26-00249-CR Christopher Michael HOTTELL, Appellant v. The STATE of Texas, Appellee From the 399th Judicial District Court, Bexar County, Texas Trial Court No. 2024-CR-012179-02 Honorable Jefferson Moore, Judge Presiding PER CURIAM Sitting: Irene Rios, Justice Lori I. Valenzuela, Justice Lori Massey Brissette, Justice Delivered and Filed: June 3, 2026 DISMISSED Pursuant to a plea-bargain agreement, appellant pled no contest to one count of manslaughter and one count of aggravated assault causing serious bodily injury.

The trial court sentenced appellant to ten years' confinement for each count and ordered the sentences to run concurrently. On March 25, 2026, the trial court signed a certification of defendant's right to appeal stating that "the defendant has waived the right of appeal" and this "is a plea-bargain case, 04-26-00249-CR and the defendant has NO right of appeal." See TEX. R. APP.

P. 25.2(a)(2). The clerk's record, which includes the trial court's certification, has been filed. See id. 25.2(d). Generally, in a plea bargain case, a defendant may appeal only: (1) those matters that were raised by written motion filed and ruled on before trial; (2) after getting the trial court's permission to appeal; or (3) where the specific appeal is expressly authorized by statute.

See id. 25.2(a)(2). The clerk's record, which contains a written plea bargain, establishes the punishment assessed by the court does not exceed the punishment recommended by the prosecutor and agreed to by the appellant. See id. The clerk's record does not include a written motion filed and ruled upon before trial; nor does it indicate that the trial court gave its permission to appeal.

See id. The trial court's certification, therefore, appears to accurately reflect that this is a plea-bargain case and that appellant does not have a right to appeal. We must dismiss an appeal "if a certification that shows the defendant has the right of appeal has not been made part of the record...." Id. 25.2(d).

On April 8, 2026, we informed appellant that this appeal would be dismissed pursuant to Rule 25.2(d) of the Texas Rules of Appellate Procedure unless an amended trial court certification showing that appellant has the right to appeal was made part of the appellate record by April 22, 2026. See TEX. R. APP. P. 25.2(d), 37.1; Daniels v. State, 110 S.W.3d 174, 177 (Tex.

App.—San Antonio 2003, order). To date, appellant has not responded to our order and no such amended trial court certification has been filed. Therefore, this appeal is dismissed pursuant to Rule 25.2(d) of the Texas Rules of Appellate Procedure. PER CURIAM DO NOT PUBLISH -2-