

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

Bryan Keith Gutierrez v. The State of Texas

No. 04-26-00160-CR (Tex. App.—San Antonio Apr. 8, 2026) (mem.) · No. No. 04-26-00160-CR · Decided April 8, 2026

SUMMARY

The Fourth Court of Appeals of Texas dismissed Bryan Keith Gutierrez's appeal for want of jurisdiction. The court construed his motion for bond relief as a notice of appeal and held that it lacked jurisdiction over interlocutory challenges to bail and the denial of a motion to quash an indictment; Gutierrez did not respond to the court's show-cause order.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Per Curiam; Rebeca C. Martinez, Chief Justice; Irene Rios, Justice; Velia J. Meza, Justice
JURISDICTION	Texas Court of Appeals, Fourth District, San Antonio
DECIDED	April 8, 2026
DOCKET	No. 04-26-00160-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed a motion in the court of appeals seeking bond relief and requesting that indictments be quashed. The court liberally construed the motion as a notice of appeal and dismissed for want of jurisdiction.
STANDARD OF REVIEW	The court reviewed its own appellate jurisdiction de novo as a threshold matter.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked DO NOT PUBLISH.
PARTIES	Bryan Keith Gutierrez v. The State of Texas

TOPICS

- appellate jurisdiction
- interlocutory appeal
- bail
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal appellate procedure
- bail
- indictments

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an interlocutory challenge to the amount or denial of bail.
2. Whether the court of appeals had jurisdiction to review an interlocutory order denying a motion to quash an indictment.

HOLDINGS

1. The court of appeals lacks constitutional or statutory authority to hear an interlocutory appeal concerning excessive bail or the denial of bail.
2. The court of appeals has no jurisdiction to review an interlocutory order denying a motion to quash an indictment.

KEY QUOTATIONS

“Jurisdiction must be expressly given to the courts of appeals in a statute.” (slip op. at 1)

“There is no constitutional or statutory authority granting the courts of appeals jurisdiction to hear interlocutory appeals regarding excessive bail or the denial of bail.” (slip op. at 1)

FACTUAL BACKGROUND

Gutierrez sought relief from the amount of bail and apparently challenged the denial of bail. He also requested that several indictments be quashed. The record contained no judgment of conviction, and Gutierrez did not respond to the appellate court's order to show cause regarding jurisdiction.

PROCEDURAL HISTORY

The clerk's record showed that Gutierrez filed a Motion for Bond Relief in the court of appeals on March 2, 2026. The record did not reflect a judgment of conviction. The court ordered him to show cause why the appeal should not be dismissed for lack of jurisdiction, and he did not respond.

DISPOSITION

dismissed

CASES CITED

- Ragston v. State, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014)
- Ex parte Alvear, 524 S.W.3d 261, 263 (Tex. App.—Waco 2016, no pet.)

OPINION

Bryan Keith Gutierrez v. the State of Texas

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-26-00160-CR Bryan Keith GUTIERREZ, Appellant v. The STATE of Texas, Appellee
From the 81st Judicial District Court, Karnes County, Texas Trial Court No. 25-09-00102-CRK
Honorable Jennifer Dillingham, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice Irene Rios, Justice Velia J. Meza, Justice Delivered and
Filed: April 8, 2026

DISMISSED FOR WANT OF JURISDICTION

The clerk's record reflects that on March 2, 2026, appellant filed a "Motion for Bond Relief" in this court, appearing to challenge the amount set as bail and requesting that several indictments against him be quashed. The record does not reflect a judgment of conviction. We liberally construe appellant's motion as a notice of appeal. See TEX. R. APP. P. 25.2. "Jurisdiction must be expressly given to the courts of appeals in a statute." *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014). "There is no constitutional or statutory authority 04-26-00160-CR granting the courts of appeals jurisdiction to hear interlocutory appeals regarding excessive bail or the denial of bail." *Id.* And we have no jurisdiction to review an interlocutory order denying a motion to quash an indictment. *Ex parte Alvear*, 524 S.W.3d 261, 263 (Tex. App.—Waco 2016, no pet.). We accordingly ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant did not respond. We dismiss this appeal for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH

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