

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

Jamall Ricardo Fisher v. The State of Texas

No. 04-26-00055-CR · No. No. 04-26-00055-CR · Decided March 25, 2026

SUMMARY

The Fourth Court of Appeals of San Antonio dismissed Jamall Ricardo Fisher’s criminal appeal under Texas Rule of Appellate Procedure 25.2(d). The court concluded that Fisher entered a plea bargain, knowingly and voluntarily waived his limited right to appeal, had no qualifying pretrial motions or statutory authorization for appeal, and lacked an amended certification establishing a right to appeal.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Rebeca C. Martinez, Chief Justice; Irene Rios, Justice; Lori I. Valenzuela, Justice
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	March 25, 2026
DOCKET	No. 04-26-00055-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a plea-bargain criminal judgment in which the trial court certified that appellant had no right of appeal and had waived his right of appeal.
PRECEDENTIAL VALUE	Nonprecedential; memorandum opinion marked DO NOT PUBLISH
PARTIES	Jamall Ricardo Fisher v. The State of Texas

TOPICS

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

PRACTICE AREAS

- criminal procedure
- appellate procedure
- plea bargaining

QUESTIONS PRESENTED

- Whether the court of appeals had jurisdiction to consider an appeal from a plea-bargain case when the trial court certified that the defendant had no right of appeal and the defendant had waived his limited

appellate rights.

2. Whether the appeal was required to be dismissed under Texas Rule of Appellate Procedure 25.2(d) because the record contained no certification showing a right of appeal.

HOLDINGS

1. In a plea-bargain case, a defendant may appeal only matters raised by written motion and ruled on before trial, matters for which the trial court grants permission to appeal, or matters expressly authorized by statute. A defendant may voluntarily, knowingly, and intelligently waive those limited appellate rights.
2. An appeal must be dismissed when the record does not contain a trial court certification showing that the defendant has the right of appeal. Because the existing certification accurately stated that Fisher had no right to appeal and no amended certification was filed, the appeal was dismissed.

KEY QUOTATIONS

“Accordingly, this appeal is dismissed pursuant to Rule 25.2(d).” (Slip op. at 3)

FACTUAL BACKGROUND

The appeal arose from a plea-bargain criminal case in which the punishment assessed by the trial court did not exceed the punishment recommended by the prosecutor and agreed to by Fisher. Fisher signed a written plea-bargain agreement knowingly and voluntarily waiving the limited right to appeal pretrial motions and matters for which the trial court granted permission. The clerk's record contained no pretrial written motions, and Fisher identified no statute expressly authorizing the appeal.

PROCEDURAL HISTORY

Fisher pleaded guilty or nolo contendere pursuant to a plea bargain in the 187th Judicial District Court of Bexar County. The trial court certified that the case was a plea-bargain case, that Fisher had no right of appeal, and that he had waived his right to appeal. The court of appeals issued an order requiring an amended certification showing a right of appeal or dismissed the appeal; no amended certification was filed.

DISPOSITION

dismissed

CASES CITED

- Marsh v. State, 444 S.W.3d 654, 660 (Tex. Crim. App. 2014)
- Ex parte Broadway, 301 S.W.3d 694, 697 (Tex. Crim. App. 2009)
- Dears v. State, 154 S.W.3d 610 (Tex. Crim. App. 2005)
- Daniels v. State, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, no pet.)

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