

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PRECEDENTIAL VALUE	Nonprecedential; memorandum opinion marked DO NOT PUBLISH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.)

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-26-00055-CR Jamall Ricardo FISHER, Appellant v. The STATE of Texas, Appellee From the 187th Judicial District Court, Bexar County, Texas Trial Court No. 2024CR011671 Honorable Stephanie R. Boyd, Judge Presiding PER CURIAM Sitting: Rebeca C. Martinez, Chief Justice Irene Rios, Justice Lori I. Valenzuela, Justice Delivered and Filed: March 25, 2026 DISMISSED In this appeal, the trial court’s certification states that the criminal case, “is a plea-bargain case, and the defendant has NO right of appeal” and “the defendant has waived the right of appeal.” Rule 25.2(a)(2) of the Texas Rules of Appellate Procedure provides:...

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: 04-26-00055-CR (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). While Rule 25.2(a)(2)(A) grants a defendant who pleads guilty as part of a plea bargain the right to appeal pretrial motions, the defendant may waive such a right, as long as the waiver is made “voluntarily, knowingly, and intelligently.” See *Marsh v. State*, 444 S.W.3d 654, 660 (Tex. Crim. App. 2014) (citing TEX. CODE CRIM. PROC. art. 1.14; *Ex parte Broadway*, 301 S.W.3d 694, 697 (Tex.

Crim. App. 2009)). 1 The clerk’s record in this appeal contains a written plea bargain, signed by appellant and his trial counsel, which provides in relevant part: WAIVER OF APPEAL I understand that upon my plea of guilty or nolo contendere, where the punishment does not exceed that recommended by the prosecutor and agreed to by me, my right to appeal will be limited to only: (1) those matters that were raised by written motion filed and ruled on before trial, or (2) other matters on which the trial court gives me permission to appeal.

I understand that I have this limited right to appeal. However, as part of my plea bargain agreement in this case, I knowingly and voluntarily waive my right to appeal under (1) and (2) in exchange for the prosecutor’s recommendation, provided that the punishment assessed by the court does not exceed our agreement.

The record shows that the punishment assessed in this case by the trial court does not exceed the punishment recommended by the prosecutor and agreed to by the defendant. See TEX. R. APP. P. 25.2(a)(2). The clerk’s record in this case contains no pre-trial written motions filed by appellant. See *id.* Furthermore, appellant has not identified with this court any statute that expressly 1 Article 1.14(a) of the Texas Code of Criminal Procedure provides that the “defendant in a criminal prosecution for any offense may waive any rights secured him by law except that a defendant in a capital felony case may waive the right of trial by jury only in the manner permitted by Article 1.13(b) of this code.” TEX. CODE CRIM.

PROC. art. 1.14(a). -2- 04-26-00055-CR authorizes the specific appeal. See *id.* The trial court's certification, therefore, appears to accurately reflect that this is a plea-bargain case and appellant does not have a right to appeal. "The appeal must be dismissed if a certification that shows the defendant has the right of appeal has not been made part of the record under these rules." *Id.* at R. 25.2(d).

We previously issued an order stating this appeal would be dismissed unless an amended trial court certification was made part of the appellate record by February 23, 2026. See *id.*; *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.). No such amended trial court certification has been filed.

Accordingly, this appeal is dismissed pursuant to Rule 25.2(d). PER CURIAM DO NOT PUBLISH -3-