

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Dayanara Baker v. The State of Texas

Baker · No. 03-25-00866-CR · Decided January 23, 2026

SUMMARY

The Texas Court of Appeals, Third District, lifted its prior abatement, reinstated Dayanara Baker’s pro se appeal, and dismissed it for want of jurisdiction. The dismissal followed the trial court’s certification that the underlying case was still pending and that no appealable order had been entered.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Darlene Byrne, Chief Justice; Theofanis, Justice; Crump, Justice
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	January 23, 2026
DOCKET	03-25-00866-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Baker filed a pro se criminal appeal. After abating the appeal for a certification of her right of appeal, the court reinstated the appeal when the trial court certified that the underlying case was still pending and that no appealable order had been entered, then dismissed the appeal for want of jurisdiction.
PRECEDENTIAL VALUE	Nonprecedential; designated Do Not Publish
PARTIES	Dayanara Baker v. The State of Texas

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Criminal appellate procedure
- Appellate jurisdiction

QUESTIONS PRESENTED

- Whether the court of appeals had jurisdiction over an appeal when the trial court certified that the underlying criminal case remained pending and that no appealable order had been entered.

HOLDINGS

1. The court of appeals lacks jurisdiction over an appeal when the trial court has certified that the underlying case is pending and that no appealable order has been entered; the appeal must therefore be dismissed for want of jurisdiction.

FACTUAL BACKGROUND

Baker pursued a pro se appeal in a criminal matter. The trial court certified that the underlying case was pending and that it had entered no appealable order.

PROCEDURAL HISTORY

The court abated the appeal on December 10, 2025, and remanded to the trial court for entry of a certification concerning Baker's right of appeal. The trial court subsequently certified that the underlying case remained pending and that it had entered no appealable order. The appellate court lifted the abatement, reinstated the appeal, and dismissed it for want of jurisdiction.

DISPOSITION

dismissed

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-25-00866-CR
Dayanara Baker, Appellant v. The State of Texas, Appellee FROM THE 433RD DISTRICT
COURT OF COMAL COUNTY, NO. CR2018-778D, THE HONORABLE DIB WALDRIP,
JUDGE PRESIDING MEMORANDUM OPINION This Court abated Dayanara Baker's pro se
appeal on December 10, 2025, and remanded the case to the trial court for entry of a certification
of Baker's right of appeal.

See Tex. R. App. P. 25.2(a)(2) (setting forth general rule requiring trial court's certification of
defendant's right of appeal each time it enters judgment of guilt or other appealable order), (d)
(requiring that record in defendant's appeal include trial court's certification of defendant's right of
appeal), 44.4 (addressing remediable error).

The trial court has since certified that the underlying case is pending and that it has entered no
appealable order. Accordingly, we lift the abatement, reinstate this appeal, and dismiss it for want
of jurisdiction. See Tex. R. App. P. 25.2(a)(2). _____

Darlene Byrne, Chief Justice Before Chief Justice Byrne, Justices Theofanis and Crump
Dismissed for Want of Jurisdiction Filed: January 23, 2026 Do Not Publish 2

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