

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Brenton Autwavious Smith v. The State of Texas

No. 02-26-00064-CR (Tex. App.—Fort Worth Apr. 23, 2026) · No. No. 02-26-00064-CR · Decided April 23, 2026

SUMMARY

The Court of Appeals for the Second Appellate District of Texas dismissed Brenton Autwavious Smith’s appeal from his murder conviction. The trial court certified that the case was a plea-bargain case in which Smith had no right of appeal, and Smith did not respond to the appellate court’s request to show grounds for continuing the appeal.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Bonnie Sudderth, Chief Justice; Sudderth, C.J.; Kerr, J.; Birdwell, J.
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	April 23, 2026
DOCKET	No. 02-26-00064-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a murder conviction in a plea-bargain case in which the trial court certified that the defendant had no right of appeal.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication.
PARTIES	Brenton Autwavious Smith v. The State of Texas

TOPICS

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

PRACTICE AREAS

- criminal appellate procedure
- plea bargaining
- appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction to consider an appeal when the trial court certified that the defendant had no right of appeal in a plea-bargain case.
2. Whether the appeal had to be dismissed after the appellant failed to show grounds for continuing the appeal.

HOLDINGS

1. When the trial court's certification states that a plea-bargain defendant has no right of appeal, and no certification showing a right of appeal is part of the record, the appeal must be dismissed.
2. After notifying Smith of the certification problem and allowing him a month to show grounds for continuing the appeal, the court properly dismissed the appeal when he failed to respond.

KEY QUOTATIONS

“when, as here, “a certification that shows the defendant has the right of appeal has not been made part of the record,” the appeal “must be dismissed.”” (at 1)

“However, Smith’s signed plea bargain paperwork confirms that he “waive[d] all rights of appeal.”” (at 2)

FACTUAL BACKGROUND

Smith was convicted of murder following a plea bargain. The trial court's certification stated that the case was a plea-bargain case and that Smith had no right of appeal, and Smith's signed plea-bargain paperwork stated that he waived all rights of appeal.

PROCEDURAL HISTORY

Smith attempted to appeal his murder conviction from the 432nd District Court of Tarrant County. The trial court certified that the case was a plea-bargain case and that Smith had no right of appeal; after the appellate court notified Smith of the jurisdictional defect and allowed a month to show grounds for continuing the appeal, Smith did not respond. The court dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Dingler v. State, No. 02-25-00458-CR, 2026 WL 253445, at *1 (Tex. App.—Fort Worth Jan. 30, 2026, no pet.)
- Joseph v. State, No. 02-25-00335-CR, 2025 WL 2942406, at *1 (Tex. App.—Fort Worth Oct. 16, 2025, no pet.)

OPINION

PER CURIAM.

BRENTON AUTWAVIOUS SMITH, Appellant V. THE STATE OF TEXAS On Appeal from the 432nd District Court Tarrant County, Texas Trial Court No. 1803472 Before Sudderth, C.J.; Kerr and Birdwell, JJ. Memorandum Opinion by Chief Justice Sudderth MEMORANDUM OPINION Appellant Brenton Autwavious Smith attempts to appeal from his murder conviction.

But the trial court has certified that this “is a plea[]bargain case, and the defendant has NO right of appeal.”¹ See Tex. R. App. P. 25.2(a)(2), (d) (requiring the trial court to enter a certification clarifying the defendant’s right of appeal). And when, as here, “a certification that shows the defendant has the right of appeal has not been made part of the record,” the appeal “must be dismissed.” Tex. R. App.

P. 25.2(d). We called this issue to Smith’s attention, and we gave him a month to show grounds for continuing his appeal. See Tex. R. App. P. 44.3. But more than a month has passed, and Smith has not responded. Thus, “in accordance with the trial court’s certification, we dismiss [the] appeal.” *Dingler v. State*, No. 02-25-00458-CR, 2026 WL 253445, at *1 (Tex.

App.—Fort Worth Jan. 30, 2026, no pet.) (per curiam) (mem. op., not designated for publication) (dismissing similar appeal based on identical trial court certification of “plea[]bargain case, [in which] the defendant ha[d] NO right of appeal”); *Joseph v. State*, No. 02-25-00335-CR, 2025 WL 2942406, at *1 (Tex. App.—Fort Worth Oct. Generally, in a plea bargain case, a defendant has a limited right of appeal.

See 1 Tex. Code Crim. Proc. Ann. art. 44.02; Tex. R. App. P. 25.2(a)(2). However, Smith’s signed plea bargain paperwork confirms that he “waive[d] all rights of appeal.” 2 16, 2025, no pet.) (mem. op., not designated for publication) (same); see Tex. R. App. P. 25.2(d), 43.2(f). /s/ Bonnie Sudderth Bonnie Sudderth Chief Justice Do Not Publish Tex. R. App. P. 47.2(b) Delivered: April 23, 2026 3