

**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

OPINION

Brenton Autwavious Smith v. the State of Texas

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth

No. 02-26-00064-CR _____

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 /s/ Bonnie Sudderth Bonnie Sudderth Chief Justice Do Not Publish Tex.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