

COURT OF APPEALS, SIXTH APPELLATE DISTRICT OF TEXAS AT
TEXARKANA

Zachari Jerod Johnson v. The State of Texas

No. 06-25-00199-CR · No. No. 06-25-00199-CR · Decided February 27, 2026

SUMMARY

The Sixth Court of Appeals of Texas dismissed Zachari Jerod Johnson’s appeal for want of jurisdiction. Johnson pleaded guilty pursuant to a plea agreement to driving while intoxicated, third or more, and the court concluded that he had no right to appeal under Texas Rule of Appellate Procedure 25.2.

CASE DETAILS

COURT	Court of Appeals, Sixth Appellate District of Texas at Texarkana
WRITING FOR THE COURT	Jeff Rambin; Stevens, C.J.; van Cleef, J.; Rambin, J.
JURISDICTION	Court of Appeals, Sixth Appellate District of Texas at Texarkana
DECIDED	February 27, 2026
DOCKET	No. 06-25-00199-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Johnson appealed his conviction for driving while intoxicated, third or more, after pleading guilty pursuant to a plea agreement and receiving a ten-year prison sentence. The court of appeals dismissed the appeal for want of jurisdiction.
STANDARD OF REVIEW	The court reviewed its appellate jurisdiction under the Texas Rules of Appellate Procedure and the trial court's certification of the defendant's right of appeal.
PRECEDENTIAL VALUE	unpublished
PARTIES	Zachari Jerod Johnson v. The State of Texas

TOPICS

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

PRACTICE AREAS

- criminal appellate procedure
- plea bargaining
- appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an appeal from a plea-bargain case when the trial court certified that the defendant had no right of appeal and the record did not show a statutory authorization, a pretrial written motion ruled on before trial, or the trial court's permission to appeal.

HOLDINGS

1. A defendant in a plea-bargain case may appeal only matters raised by written motion and ruled on before trial, matters for which the trial court granted permission to appeal, or matters expressly authorized by statute. Because none of those circumstances appeared in the record and the trial court properly certified that Johnson had no right of appeal, the court of appeals lacked jurisdiction.

KEY QUOTATIONS

“The Texas Legislature has granted a very limited right of appeal in plea-bargain cases.” (at 1)

“Because Johnson has no right of appeal due to his plea agreement with the State and because the trial court’s certification correctly indicates that he is without a right of appeal, we dismiss this appeal for want of jurisdiction.” (at 2)

FACTUAL BACKGROUND

Johnson pleaded guilty pursuant to a plea agreement to driving while intoxicated, third or more. He received a ten-year prison sentence, which the opinion indicates was pursuant to the agreement. The trial court certified that the case was a plea-bargain case and that Johnson had no right of appeal.

PROCEDURAL HISTORY

Pursuant to a plea agreement, Johnson pleaded guilty to driving while intoxicated, third or more, and was sentenced to ten years' confinement. The trial court certified that the case was a plea-bargain case and that Johnson had no right of appeal. Johnson timely filed a notice of appeal. After notifying Johnson of the apparent jurisdictional defect and allowing him an opportunity to respond or cure it, the court received no response and dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

In the Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-25-00199-CR ZACHARI JEROD JOHNSON, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 6th District Court Lamar County, Texas Trial Court No. 31425 Before Stevens, C.J., van Cleef and Rambin, JJ. Memorandum Opinion by Justice Rambin MEMORANDUM OPINION Pursuant

to a plea agreement, Zachari Jerod Johnson pled guilty to the offense of driving while intoxicated, third or more,¹ and was sentenced to ten years' confinement in prison.

Despite the trial court's certification that this was a plea-agreement case and that Johnson had no right of appeal, he timely filed a notice of appeal. Because we find that we are without jurisdiction, we will dismiss the appeal for want of jurisdiction.

The Texas Legislature has granted a very limited right of appeal in plea-bargain cases. Rule 25.2(a)(2) of the Texas Rules of Appellate Procedure details that right as follows: (2)... 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: (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). There is no indication in the record before this Court (1) that this specific appeal is expressly authorized by statute, (2) that Johnson filed a motion that was ruled on before trial, or (3) that Johnson obtained the trial court's permission to appeal.

To the contrary, the trial court's certification of Johnson's right of appeal indicates that he has no right of appeal. Pursuant to Rule 25.2(d) of the Texas Rules of Appellate Procedure, upon proper 1 See TEX. PENAL CODE ANN. § 49.09(b)(2) (Supp.). 2 certification by the trial court indicating there is no right of appeal, this Court will dismiss the appeal.

See TEX. R. APP. P. 25.2(d). On January 15, 2026, we informed Johnson of the apparent defect in our jurisdiction over his appeal and afforded him an opportunity to respond and, if possible, cure such defect. Johnson did not file a response to our January 15 correspondence.

Because Johnson has no right of appeal due to his plea agreement with the State and because the trial court's certification correctly indicates that he is without a right of appeal, we dismiss this appeal for want of jurisdiction. Jeff Rambin Justice Date Submitted: February 26, 2026 Date Decided: February 27, 2026 Do Not Publish 3