

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT (EASTLAND)

Kevin Duane Owens v. the State of Texas

Owens v. State · No. 11-25-00381-CR · Decided March 26, 2026

SUMMARY

The Eleventh Court of Appeals of Texas dismissed Kevin Duane Owens’s appeal from a guilty-plea conviction for evading arrest or detention with a vehicle. The court held that the plea-bargain agreement, the trial court’s certification, and the denial of permission to appeal deprived Owens of a right to appeal under Texas Rule of Appellate Procedure 25.2.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District (Eastland)
WRITING FOR THE COURT	W. Stacy Trotter; Bailey, C.J.; W. Stacy Trotter, J.; Williams, J.
JURISDICTION	Court of Appeals for the Eleventh District of Texas
DECIDED	March 26, 2026
DOCKET	11-25-00381-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a conviction and eight-year sentence following a negotiated guilty plea. The court of appeals dismissed the appeal because the plea-bargain certification showed that Owens had no right to appeal and the trial court denied permission to appeal.
STANDARD OF REVIEW	The appellate court reviewed the trial court's certification and the documents on file to determine whether Owens had a right to appeal under Texas Rule of Appellate Procedure 25.2.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; not designated for publication under Texas Rule of Appellate Procedure 47.2(b).
PARTIES	Kevin Duane Owens v. The State of Texas

TOPICS

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

PRACTICE AREAS

- Texas criminal appellate procedure
- plea-bargain appeals
- criminal procedure

QUESTIONS PRESENTED

1. Whether a defendant who pleaded guilty pursuant to a negotiated plea bargain and received the agreed punishment may appeal the voluntariness of the guilty plea without obtaining the trial court's permission to appeal.
2. Whether the appeal must be dismissed when the trial court certifies that the defendant has no right of appeal, the certification is supported by the record, and the trial court denied permission to appeal.

HOLDINGS

1. When a defendant enters a plea bargain and receives punishment that does not exceed the punishment agreed to by the parties, Texas Rule of Appellate Procedure 25.2(a)(2) does not permit an appeal concerning the voluntariness of the plea unless the defendant obtained the trial court's permission to appeal.
2. An appellate court must dismiss an appeal when the trial court certifies that the defendant has no right to appeal and the record supports that certification.

KEY QUOTATIONS

“Rule 25.2(a)(2) provides that, in a plea bargain case in which the punishment imposed does not exceed the punishment agreed to by the parties, “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.”” (1)

“Accordingly, we must dismiss this appeal without further action.” (2)

FACTUAL BACKGROUND

Owens pleaded guilty to the third-degree felony offense of evading arrest or detention with a vehicle. Under a negotiated plea bargain, the trial court sentenced him to eight years' imprisonment in the Institutional Division of the Texas Department of Criminal Justice. The plea-bargain documents and appeal waiver stated that Owens voluntarily, knowingly, and intelligently waived his right of appeal, and the trial court certified that he had no right to appeal.

PROCEDURAL HISTORY

Owens pleaded guilty to evading arrest or detention with a vehicle pursuant to a negotiated plea bargain, and the trial court imposed the agreed eight-year prison sentence. He filed a motion for new trial challenging the voluntariness of his plea, a motion for permission to appeal, and a notice of appeal. The trial court denied both motions and denied his request to reinstate his right to appeal. After receiving no further response from counsel, the court of appeals dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Cooper v. State, 45 S.W.3d 77, 83 (Tex. Crim. App. 2001)
- Carender v. State, 155 S.W.3d 929, 931 (Tex. App.—Dallas 2005, no pet.)
- Dears v. State, 154 S.W.3d 610, 613–14 (Tex. Crim. App. 2005)
- Chavez v. State, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006)

OPINION

Kevin Duane Owens v. the State of Texas

PER CURIAM.

Opinion filed March 26, 2026 In The Eleventh Court of Appeals _____ No. 11-25-00381-CR _____ KEVIN DUANE OWENS, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 35th District Court Brown County, Texas Trial Court Cause No. CR30642

MEMORANDUM OPINION

Appellant, Kevin Duane Owens, pleaded guilty to the third-degree felony offense of evading arrest or detention with a vehicle. TEX. PENAL CODE ANN. § 38.04(a), (b)(2)(A) (West Supp. 2025). Pursuant to a negotiated plea bargain agreement between Appellant and the State, the trial court sentenced Appellant to imprisonment in the Institutional Division of the Texas Department of Criminal Justice for eight years. Appellant filed a motion for new trial challenging the voluntariness of his guilty plea and a motion for permission to appeal the trial court’s judgment. Appellant also filed a notice of appeal. We dismiss the appeal. The trial court’s certification shows that this is a plea bargain case and that Appellant does not have the right of appeal. As a result, we notified Appellant that the trial court’s certification reflected that Appellant did not have the right of appeal, requesting Appellant’s counsel to respond and show grounds to continue the appeal and informing him that the appeal was subject to dismissal. See TEX. R. APP. P. 25.2(a)(2), (d); see also TEX. CODE CRIM. PROC. ANN. art. 44.02 (West 2018). Appellant’s counsel responded that the motion for new trial and the motion for permission to appeal were set for a hearing on February 17, 2026, and he requested that we “make no decisions” regarding the dismissal of the appeal until after the hearing. Following the hearing, the trial court denied Appellant’s motions and denied his request to “reinstate [Appellant’s] right to appeal.” We again requested a response from Appellant’s counsel, informing him that the appeal was subject to dismissal. Appellant’s counsel has not filed a response. Rule 25.2(a)(2) provides that, in a plea bargain case in which the punishment imposed does not exceed the punishment agreed to by the parties, “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); see also CRIM. PROC. art. 44.02. The trial court denied Appellant’s request for permission to appeal, and an appeal is not authorized by statute in this circumstance; therefore, subsections (B) and (C) are not applicable here. Further, Rule 25.2 does not permit a plea-bargaining defendant to appeal matters related to the

voluntariness of his plea unless the defendant has obtained the trial court's permission to appeal. See *Cooper v. State*, 45 S.W.3d 77, 83 (Tex. Crim. App. 2001); *Carender v. State*, 155 S.W.3d 929, 931 (Tex. App.—Dallas 2005, no pet.). 2 The documents on file show that Appellant entered into a plea bargain agreement, his punishment was assessed by the trial court in accordance with the agreement, and the trial court denied his request for permission to appeal.¹ Further, the trial court certified that this is a plea bargain case and that Appellant has no right of appeal. The documents on file in this court support the trial court's certification. See *Dears v. State*, 154 S.W.3d 610, 613–14 (Tex. Crim. App. 2005). Accordingly, we must dismiss this appeal without further action. TEX. R. APP. P. 25.2(d); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006). This appeal is dismissed.

W. STACY TROTTER

JUSTICE

March 26, 2026 Do not publish. See TEX. R. APP. P. 47.2(b). Panel consists of: Bailey, C.J., Trotter, J., and Williams, J. 1 The documents on file also show that in the appeal waiver that Appellant waived his right of appeal, the trial court certified that the case was a plea bargain case, Appellant has no right of appeal, Appellant voluntarily, knowingly and intelligently waived his right of appeal, Appellant understood the consequences of the waiver, and the waiver was accepted by the trial court. The waiver is signed by the trial court and Appellant. 3