

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG

Michael Anthony Munoz Bernal v. the State of Texas

No. 13-24-00633-CR · No. 13-24-00633-CR · Decided December 4, 2025

SUMMARY

The Texas Thirteenth Court of Appeals dismissed Michael Anthony Munoz Bernal’s appeal from a plea-bargained conviction. The court held that the appeal did not fall within any exception to the defendant’s waiver of appellate rights under Texas Rule of Appellate Procedure 25.2(a)(2), and it granted the State’s motion to dismiss and enforce the plea agreement.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jon West; Chief Justice Tijerina; Justice Pena; Justice West
JURISDICTION	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
DECIDED	December 4, 2025
DOCKET	13-24-00633-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed a pro se appeal from a judgment of conviction following a plea bargain. After abating the appeal to address appellant's ineffective-assistance claim and appellate-counsel issues, the court reviewed the record and granted the State's motion to dismiss.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; not published under Texas Rule of Appellate Procedure 47.2(b).
PARTIES	Michael Anthony Munoz Bernal v. The State of Texas

TOPICS

- appellate procedure
- plea bargaining
- right to counsel
- ineffective assistance
- criminal procedure

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure
- plea bargaining
- ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether appellant could appeal his conviction despite the trial court's certification that the case was a plea-bargain case in which he had no right of appeal.
2. Whether appellant's ineffective-assistance and coerced-plea allegations brought the appeal within an exception to Texas Rule of Appellate Procedure 25.2(a)(2).
3. Whether appellant's challenge to the indictment based on enhancement paragraphs provided a basis for appellate review.

HOLDINGS

1. In a plea-bargain case, a defendant 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 appellant's appeal did not fall within any of those exceptions, the appeal was subject to dismissal.
2. Appellant's allegations of ineffective assistance of counsel and coercion did not independently establish a right to appeal or bring the case within an exception to Rule 25.2(a)(2).
3. The indictment challenge did not provide a basis for appellate review because appellant pleaded true to the second enhancement paragraph, which elevated the punishment range, and the State abandoned its habitual-offender allegation as part of the plea bargain.

KEY QUOTATIONS

“In a plea bargain case, a defendant may appeal only: (1) those matters that were raised by written motion filed and ruled on before trial, (2) after getting the trial court’s permission to appeal, or (3) where the specific appeal is expressly authorized by statute.” (at 1)

“We therefore reinstate the case and dismiss the appeal.” (at 2)

FACTUAL BACKGROUND

Appellant entered a plea bargain under which the State consented to changing the punishment election from jury to judge, and the trial court found that he voluntarily waived his right to appeal. He later alleged ineffective assistance of counsel, asserted that he was forced to sign the plea documents, and challenged the validity of the indictment based on enhancement paragraphs. The record showed that he pleaded true to the second enhancement paragraph, while the State abandoned its habitual-offender allegation as part of the plea bargain.

PROCEDURAL HISTORY

The 389th District Court of Hidalgo County convicted appellant in cause number CR-0108-24-H pursuant to a plea bargain and certified that he had no right of appeal. Appellant filed a pro se notice of appeal alleging ineffective assistance, a coerced plea, and an invalid indictment. The appellate court abated the case for proceedings concerning adequate, conflict-free counsel and the existence of a right to appeal. The trial court found that appellant voluntarily waived his right to appeal and was not entitled to new counsel for appellate review. After reviewing the reporter's records, the appellate court concluded that no exception to the plea-bargain appeal restrictions applied and dismissed the appeal.

DISPOSITION

dismissed

OPINION

Michael Anthony Munoz Bernal v. the State of Texas

PER CURIAM.

NUMBER 13-24-00633-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

MICHAEL ANTHONY MUNOZ

BERNAL Appellant, v. THE STATE OF TEXAS, Appellee.

ON APPEAL FROM THE 389TH DISTRICT COURT

OF HIDALGO COUNTY, TEXAS

MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices Pena and West Memorandum Opinion by Justice West Appellant Michael Anthony Munoz Bernal filed a pro se notice of appeal attempting to appeal the trial court’s judgment of conviction in cause number CR-0108-24-H. Appellant contends that his trial counsel rendered ineffective assistance, and he wished to withdraw his plea “because [he] was forced to sign.” The trial court’s certification of the appellant’s right to appeal shows that the case was “a plea bargain case, and the Defendant has NO right of appeal.” See TEX. R. APP. P. 25.2(a) (2). In a plea bargain case, a defendant may appeal only: (1) those matters that were raised by written motion filed and ruled on before trial, (2) after getting the trial court’s permission to appeal, or (3) where the specific appeal is expressly authorized by statute. *Id.*

In response to an order from this Court, appellant’s trial counsel filed a letter stating that she reviewed her file of appellant’s case and concluded that appellant waived his right to appeal. However, because appellant argued that he received ineffective assistance of counsel, we abated the case and instructed the trial court “to hold any necessary proceedings to ensure appellant has adequate counsel, free from conflict,” and address “whether appellant has the right to appeal or not.” On June 5, 2025, The trial court found that appellant “voluntarily waived his right to appeal in exchange for the State’s consent to change election from jury to judge for punishment,” “he is not entitled to new counsel for purposes of seeking appellate review of his case,” and “no other orders are necessary to ensure the proper and timely pursuit of [a]ppellant’s appeal.” The State filed a motion to dismiss the appeal and enforce the plea agreement. To address the State’s motion, we ordered the court reporters to file the reporter’s records of the proceedings the State relied on in its motion. Upon review of the record, appellant’s appeal does not fall under any of the exceptions

under Rule 25.2(a)(2). See id. 1 The 1 Appellant also argued in his notice of appeal that his “indictment is not valid” because his indictment “uses 2 enhancement paragraphs to upgrade his charge.” However, the record shows that appellant pleaded true to the second enhancement paragraph alleged in the indictment making his punishment range that of a second-degree felony. See TEX. HEALTH & SAFETY CODE ANN. § 481.115; TEX. PENAL CODE § 12.42(a). The State abandoned their allegation that appellant was a habitual offender as a part of the plea bargain. 2 Court, having fully examined and considered the State’s motion and the record in this cause, is of the opinion that the motion should be granted. We therefore reinstate the case and dismiss the appeal.

JON WEST

Justice Do not publish. TEX. R. APP. P. 47.2(b). Delivered and filed on the 4th day of December, 2025. 3