

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

Juan Martin Rosas v. the State of Texas

No. 04-26-00299-CR · No. 04-26-00299-CR · Decided June 17, 2026

SUMMARY

The Fourth Court of Appeals of San Antonio dismissed Juan Martin Rosas’s appeal from a plea-bargained theft conviction. The court held that the trial court’s certification accurately stated that Rosas had no right to appeal under Texas Rule of Appellate Procedure 25.2(a)(2), and no amended certification establishing a right to appeal was filed.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Per Curiam; Adrian A. Spears II; H. Todd McCray; Velia J. Meza
JURISDICTION	Fourth Court of Appeals, San Antonio, Texas
DECIDED	June 17, 2026
DOCKET	04-26-00299-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Rosas appealed his conviction and three-year prison sentence following a nolo contendere plea entered under a plea-bargain agreement. The court of appeals dismissed the appeal because the trial court's certification stated that Rosas had no right to appeal and the appellate record contained no qualifying pretrial motion, permission to appeal, or amended certification.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Juan Martin Rosas v. The State of Texas

TOPICS

- plea bargaining
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- appellate procedure
- plea bargaining

QUESTIONS PRESENTED

1. Whether the court of appeals was required to dismiss an appeal from a plea-bargain conviction when the trial court certified that the defendant had no right to appeal and the record contained no qualifying exception or amended certification.

HOLDINGS

1. Because Rosas entered a plea bargain in which the punishment assessed did not exceed the punishment recommended and agreed to, and the record showed neither a qualifying written pretrial motion nor permission to appeal, Rosas had no right to appeal under Texas Rule of Appellate Procedure 25.2(a)(2).
2. The court was required to dismiss the appeal because no certification showing that Rosas had the right to appeal was made part of the record.

KEY QUOTATIONS

“In a plea bargain case . . . 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.” (at 2)

“We must dismiss an appeal “if a certification that shows the defendant has the right of appeal has not been made part of the record.”” (at 2)

FACTUAL BACKGROUND

Pursuant to a plea-bargain agreement, Juan Martin Rosas pleaded nolo contendere to theft of property. The trial court sentenced him to three years in prison, which did not exceed the punishment recommended by the prosecutor and agreed to by Rosas. The record contained no written pretrial motion ruled on before trial and no indication that the trial court granted permission to appeal.

PROCEDURAL HISTORY

Rosas pleaded nolo contendere to theft of property and received the punishment agreed to in the plea bargain. The trial court certified that he had no right to appeal. After Rosas filed a notice of appeal, the clerk's record was filed, and the court notified Rosas that dismissal would follow unless an amended certification establishing a right to appeal was filed. No amended certification was filed, so the court dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Daniels v. State, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, order)

OPINION

Juan Martin Rosas v. the State of Texas

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-26-00299-CR Juan Martin ROSAS, Appellant v. The STATE of Texas, Appellee From the 144th Judicial District Court, Bexar County, Texas Trial Court No. 2025-CR-004149A Honorable Michael E. Mery, Judge Presiding

PER CURIAM

Sitting: Adrian A. Spears II, Justice H. Todd McCray, Justice Velia J. Meza, Justice Delivered and Filed: June 17, 2026

DISMISSED

Pursuant to a plea-bargain agreement, Juan Martin Rosas pled nolo contendere to theft of property and was sentenced to three years in prison in accordance with the terms of his plea-bargain agreement. On March 9, 2026, the trial court signed a certification of defendant's right to appeal stating that this "is a plea-bargain case, and the defendant has NO right of appeal." See TEX. R. APP. P. 25.2(a)(2). After Rosas filed a notice of appeal, the trial court clerk sent copies of the 04-26-00299-CR certification and notice of appeal to this court. See id. 25.2(e). The clerk's record, which includes the trial court's Rule 25.2(a)(2) certification, has been filed. See id. 25.2(d). "In a plea bargain case . . . 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." Id. 25.2(a)(2). The clerk's record, which contains a written plea bargain, establishes that the punishment assessed by the trial court does not exceed the punishment recommended by the prosecutor and agreed to by Rosas. See id. The clerk's record does not include a written motion filed and ruled upon before trial; nor does it indicate that the trial court gave its permission to appeal. See id. Thus, the trial court's certification appears to accurately reflect that this is a plea-bargain case and that Rosas does not have the right to appeal. We must dismiss an appeal "if a certification that shows the defendant has the right of appeal has not been made part of the record." Id. 25.2(d). We informed Rosas that this appeal would be dismissed pursuant to Texas Rule of Appellate Procedure 25.2(d) unless an amended trial court certification showing that he had the right to appeal was made part of the appellate record. See id. 25.2(d), 37.1; Daniels v. State, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, order). No such amended trial court certification has been filed. Therefore, this appeal is dismissed pursuant to Rule 25.2(d).

PER CURIAM

DO NOT PUBLISH

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