

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

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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