



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-21-00076-CR

ELIGAH DARNELL, Appellant

v.

THE STATE OF TEXAS

On Appeal from the 432nd District Court
Tarrant County, Texas
Trial Court No. 1575071D

Before Womack, Wallach, and Walker, JJ.
Memorandum Opinion by Justice Womack

MEMORANDUM OPINION

Under the terms of a plea-bargain agreement, Appellant Eligah Darnell pleaded guilty to failing to register as a sex offender. Darnell now attempts to appeal the trial court's denial of a motion to dismiss that he had filed prior to pleading guilty. Rule 25.2(a)(2)(A) of the Texas Rules of Appellate Procedure provides that in a plea-bargain case, a defendant may appeal "matters that were raised by written motion filed and ruled on before trial." Tex. R. App. P. 25.2(a)(2)(A). Here, however, the record shows that, prior to entering the plea-bargain agreement, Darnell signed written plea admonishments in which he agreed to "give up and waive all pretrial motions that may have been filed in [his] case" and agreed to "give up and waive any and all rights of appeal in this case."

On October 15, 2021, we notified Darnell of our concern that we lack jurisdiction over his appeal, both because the trial court's certification states that this is a plea-bargain case and that Darnell has no right of appeal, and because the record contains written plea admonishments in which Darnell agreed to waive all pretrial motions and all rights of appeal. We informed Darnell that we could dismiss his appeal unless he or any party desiring to continue the appeal filed a response showing grounds for continuing the appeal. *See* Tex. R. App. P. 25.2(d), 43.2(f), 44.3. While Darnell filed a response, it does not show grounds for continuing the appeal.¹

¹Darnell states that he "do[es] not recall signing any document waiving all pre-trial motions and any and all rights of appeal in this case."

Accordingly, we dismiss the appeal. *See* Tex. R. App. P. 25.2(a)(2)(A), (d), 43.2(f); *see also* *Barbee v. State*, Nos. 02-14-00168-CR, 02-14-00169-CR, 2014 WL 3778278, at *1 (Tex. App.—Fort Worth July 31, 2014, no pet.) (per curiam) (mem. op., not designated for publication) (dismissing appeal from a plea-bargain case where the appellant had waived all pretrial motions); *Sims v. State*, No. 02-13-00371-CR, 2013 WL 6327379, at *1 (Tex. App.—Fort Worth Dec. 5, 2013, no pet.) (per curiam) (mem. op., not designated for publication) (same).

/s/ Dana Womack

Dana Womack
Justice

Do Not Publish
Tex. R. App. P. 47.2(b)

Delivered: November 10, 2021