

## Question

CAUSE NUMBER: 2500011168 OFFENSE CHARGED: LP - OPERATION OF MOTOR VEHICLE WITHOUT LICENSE PLATE STATE OF TEXAS § IN THE MUNICIPAL COURT VS § CITY OF ALLEN MYERS, RYAN STERLING § COLLIN COUNTY, TEXAS JUDGMENT On this day, 6/17/2025, the Defendant in the above numbered and entitled cause, having made his/her initial appearance and entered a plea of No Contest voluntarily waives the right to a jury trial and waives the objection to any defect in the charging instrument, the filing of and notice of a sworn complaint, and decline to participate in discovery in this case. The Court finds the Defendant guilty of the offense of LP - OPERATION OF MOTOR VEHICLE WITHOUT LICENSE PLATE. The Court enters a final judgment of guilt, and assesses a fine and court costs as set forth below: The Defendant, being found guilty and assessed a fine and applicable court costs of \$146.00, it is therefore Ordered and Adjudged by the Court that the State of Texas, for the use and benefit of the City of Allen, Texas, do have and recover from the Defendant the fine and court costs in the amount of 146.00. The Defendant is hereby Order to discharge the fine and costs in the following manner: Defendant shall pay all fees immediately (defined as by 4:30 p.m. on the date this Judgment is entered). Your current outstanding balance is: 0.00. It is further Ordered and Adjudged, if the Defendant fails to comply with the orders of this judgment, the Defendant shall be committed to the custody of the Chief of Police of the City of Allen, Texas until said fine and costs are fully paid. In the event the Defendant defaults in the discharge of this judgment, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant receive not less than \$150.00 for each 8 hours spent in jail to satisfy the fine and costs. It is further Ordered and Adjudged by the Court that execution may issue against the property of the said Defendant for the amount of such fine and costs. If you wish to appeal the judgment, you must do so pursuant to Art. 45.0425 of the Texas Code of Criminal Procedure. SIGNED, ORDERED AND ADJUDGED this day, June 24, 2025. MUNICIPAL COURT JUDGE, City of Allen Collin County, Texas CAUSE NUMBER: 2500011169 OFFENSE CHARGED: REG - OPERATE VEHICLE WITH IMPROPERLY DISPLAYED OR NO REG INSIGNIA STATE OF TEXAS § IN THE MUNICIPAL COURT VS § CITY OF ALLEN MYERS, RYAN STERLING § COLLIN COUNTY, TEXAS JUDGMENT On this day, 6/17/2025, the Defendant in the above numbered and entitled cause, having made his/her initial appearance and entered a plea of No Contest voluntarily waives the right to a jury trial and waives the objection to any defect in the charging instrument, the filing of and notice of a sworn complaint, and decline to participate in discovery in this case. The Court finds the Defendant guilty of the offense of REG - OPERATE VEHICLE WITH IMPROPERLY DISPLAYED OR NO REG INSIGNIA. The Court enters a final judgment of guilt, and assesses a fine and court costs as set forth below: The Defendant, being found guilty and assessed a fine and applicable court costs of \$141.00, it is therefore Ordered and Adjudged by the Court that the State of Texas, for the use and benefit of the City of Allen, Texas, do have and recover from the Defendant the fine and court costs in the amount of 141.00. The Defendant is hereby Order to discharge the fine and costs in the following

manner:Defendant shall pay all fees immediately (defined as by 4:30 p.m. on the date this Judgment is entered). Your current outstanding balance is: 0.00. It is further Ordered and Adjudged, if the Defendant fails to comply with the orders of this judgment, the Defendant shall be committed to the custody of the Chief of Police of the City of Allen, Texas until said fine and costs are fully paid. In the event the Defendant defaults in the discharge of this judgment, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant receive not less than \$150.00 for each 8 hours spent in jail to satisfy the fine and costs. It is further Ordered and Adjudged by the Court that execution may issue against the property of the said Defendant for the amount of such fine and costs. If you wish to appeal the judgment, you must do so pursuant to Art. 45.0425 of the Texas Code of Criminal Procedure. SIGNED, ORDERED AND ADJUDGED this day, June 24, 2025. MUNICIPAL COURT JUDGE, City of Allen Collin County,Texas CAUSE NUMBER: 2500011167 OFFENSE CHARGED: SPEEDING 90/70 - TC 545.351 STATE OF TEXAS § IN THE MUNICIPAL COURT VS § CITY OF ALLEN MYERS, RYAN STERLING § COLLIN COUNTY, TEXAS JUDGMENT On this day, 6/17/2025, the Defendant in the above numbered and entitled cause, having made his/her initial appearance and entered a plea of No Contest voluntarily waives the right to a jury trial and waives the objection to any defect in the charging instrument, the filing of and notice of a sworn complaint, and decline to participate in discovery in this case. The Court finds the Defendant guilty of the offense of SPEEDING 90/70 - TC 545.351. The Court enters a final judgment of guilt, and assesses a fine and court costs as set forth below: The Defendant, being found guilty and assessed a fine and applicable court costs of \$262.00, it is therefore Ordered and Adjudged by the Court that the State of Texas, for the use and benefit of the City of Allen, Texas, do have and recover from the Defendant the fine and court costs in the amount of 262.00. The Defendant is hereby Order to discharge the fine and costs in the following manner:Defendant shall pay all fees immediately (defined as by 4:30 p.m. on the date this Judgment is entered). Your current outstanding balance is: 0.00. It is further Ordered and Adjudged, if the Defendant fails to comply with the orders of this judgment, the Defendant shall be committed to the custody of the Chief of Police of the City of Allen, Texas until said fine and costs are fully paid. In the event the Defendant defaults in the discharge of this judgment, pursuant to Article 45.048(b), Code of Criminal Procedure, the Court specifies that the Defendant receive not less than \$150.00 for each 8 hours spent in jail to satisfy the fine and costs. It is further Ordered and Adjudged by the Court that execution may issue against the property of the said Defendant for the amount of such fine and costs. If you wish to appeal the judgment, you must do so pursuant to Art. 45.0425 of the Texas Code of Criminal Procedure. SIGNED, ORDERED AND ADJUDGED this day, June 24, 2025. MUNICIPAL COURT JUDGE, City of Allen Collin County,Texas These three tickets had a final judgment entered. Best options to challenge on appeal? The fines have already been paid. What are the options?

## **Answer (Texas)**

## Short response

Despite payment of fines, Mr. Myers still has limited options to challenge the municipal court judgments, including filing a motion for new trial within 10 days of the judgments or pursuing a restricted appeal within six months if he meets specific jurisdictional requirements.

## Summary

Ryan Sterling Myers received three judgments from the Municipal Court of Allen, Collin County, Texas on June 17, 2025, for operating a motor vehicle without license plates (\$146.00), operating a vehicle with improperly displayed or no registration insignia (\$141.00), and speeding (\$262.00). Despite entering pleas of "No Contest" and having already paid the fines, Myers may still have legal avenues to challenge these judgments on appeal, though these options are significantly limited by both the nature of his plea and the payment of the fines.

The primary options available to Myers include filing a motion for new trial with the municipal clerk within 10 days of the judgment date, which would preserve certain points of error for appeal. Alternatively, he could pursue a restricted appeal within six months of the judgment date if he meets specific jurisdictional requirements. However, his "No Contest" plea substantially narrows the grounds for appeal, generally limiting them to jurisdictional defects, constitutional challenges to the underlying statutes, or arguments regarding the voluntariness of his plea. The fact that the fines have already been paid creates additional practical and procedural hurdles, though it does not automatically preclude all appeal rights.

## Background and Relevant Law

### Appeal Process from Municipal Courts in Texas

In Texas, a defendant convicted in a municipal court of record has the right to appeal that conviction to a county criminal court. [Tex. Gov't. Code § 30.00014](#)(a) states that "To perfect an appeal, the appellant must file a written motion for new trial with the municipal clerk not later than the 10th day after the date on which judgment is rendered." This motion must specifically set forth the points of error the appellant is complaining about.

When appealing from a municipal court of record, the appeal to the county court is not by trial de novo (a completely new trial). As clarified in [Alexander v. State, 240 S.W.3d 72, 74 \(Tex. App. 2007\)](#): "But in an appeal from a municipal court of record, the county court may not retry the case; instead, it must determine the appeal on the basis of the errors shown in the municipal court record." This means that Myers would need to identify specific errors in the record of the municipal court proceedings to have grounds for an appeal.

If the county court affirms the municipal court's judgment and the fine exceeds \$100, the defendant may then appeal to the court of appeals. [Tex. Gov't. Code § 30.00027](#)(a) provides that "The appellant has the right to appeal to the court of appeals if: the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court; or the sole issue is the constitutionality of the statute or ordinance on which a conviction is based." In this case, all three fines exceed \$100, so this threshold requirement for further appeal would be met if the county court affirms the municipal court judgments.

## **Appeal Bond Requirements**

To perfect an appeal from a municipal court judgment, the defendant must file an appeal bond. [Tex. Gov't. Code § 30.00015](#) states: "If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled." The appeal bond must be in the amount of \$100 or double the amount of the fines and costs, whichever is greater.

Similarly, [Tex. Code Crim. Proc. § 45A.203](#) affirms: "An appeal is perfected when the appeal bond has been filed: with the justice or judge who tried the case; and not later than the 10th day after the date the judgment was entered." This underscores the importance of the timely filing of the appeal bond to perfect the appeal.

In cases where the 10-day deadline has passed, there may be limited exceptions. [Tex. Gov't. Code § 30.00147](#) provides that "For good cause shown, not later than the 100th day after the date of rendition of the judgment of conviction, the appellate court or the court of appeals may permit the filing of an appeal bond or the giving of notice of appeal in the municipal court of record even though the time limits set under this section have expired." This provision offers a potential avenue for Myers to file an appeal bond after the initial deadline, provided he can demonstrate good cause for the delay.

## **Impact of "No Contest" Plea on Appeal Rights**

Myers entered a plea of "No Contest" to all three charges. This significantly impacts his appeal rights. [Ex parte Calderon, No. 05-18-01292-CR \(Tex. App. Feb 21, 2019\)](#) explains: "In cases where the defendant enters a plea of guilty or no contest, however, the defendant is not entitled to Jackson legal sufficiency review... The defendant's plea of guilty or no contest waives all non-jurisdictional defenses including any issue as to the insufficiency of the evidence." This means that by pleading "No Contest," Myers has waived his right to challenge the sufficiency of the evidence against him.

Furthermore, [Blanton v. State, 369 S.W.3d 894 \(Tex. Crim. App. 2012\)](#) clarifies: "A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed; provided, however, before the defendant who has been convicted upon either his plea of guilty or plea of nolo

contendere before the court... may prosecute his appeal, he must have permission of the trial court, except on those matters which have been raised by written motion filed prior to trial." This means that to appeal matters not raised in a pre-trial motion, Myers would need to obtain permission from the trial court.

The secondary material Pretrial Motions (2019-08-16) further reinforces this point: "When a defendant enters an open plea of guilty to an offense, he waives the right to appeal any nonjurisdictional defects, other than the voluntariness of his plea, which occurred before entry of the plea. [Flowers v. State, 935 S.W.2d 131 \(Tex. Crim. App. 1996\)](#)." It's important to note that Flowers has been "Stated as Overruled" by Ray Garcia v. the State of Texas, 43 S.W.3d 725 (Tex. App. 2001). However, the principle that a "No Contest" plea waives non-jurisdictional defects remains valid in Texas law, as evidenced by the other authorities cited.

## **Impact of Payment of Fines on Appeal Rights**

The fact that Myers has already paid the fines complicates his appeal options but does not necessarily eliminate them entirely. [Tex. Code Crim. Proc. § 44.02](#) broadly states: "A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed." This suggests that the right to appeal exists independently of whether the fine has been paid.

Similarly, the secondary material Post-trial proceedings (2022-04-02) confirms: "A defendant in a criminal case has the right of appeal under Code of Criminal Procedure article 44.02 and these rules. The trial court shall enter a certification of the defendant's right of appeal each time it enters a judgment of guilt or other appealable order." This right exists regardless of whether the fine has been paid, though practical and procedural issues may arise.

## **Restricted Appeal as a Potential Option**

If the conventional appeal deadlines have passed, Myers might consider a restricted appeal. According to Restricted Appeals In Texas (2022-06-09): "A restricted appeal is a direct attack on a judgment. To attack a trial court's judgment by restricted appeal, a party must show that: a notice of appeal was filed within six months of the date that the complained-of judgment was signed; the filer was a party to the suit that did not participate in the hearing that resulted in the judgment or order; the party did not timely file a post-judgment motion, request findings of fact and conclusions of law, or file a notice of appeal within the time permitted under Texas Rule of Appellate Procedure 26.1(a); and the complained-of error is apparent from the face of the record."

If Myers meets these jurisdictional requirements, a restricted appeal could provide a path forward even after the conventional appeal deadlines have passed.

# Analysis of Appeal Options

## Option 1: Motion for New Trial

The first and most immediate option available to Myers would be to file a motion for new trial with the municipal clerk. [Tex. Gov't. Code § 30.00014](#)(c) requires this motion to be filed "not later than the 10th day after the date on which judgment is rendered." The judgments in this case were rendered on June 17, 2025, meaning that Myers would need to file his motion for new trial by June 27, 2025.

The motion must specifically set forth the points of error Myers is complaining about. As emphasized in [Chapa v. State, No. 05-19-00609-CR \(Tex. App. Mar 09, 2020\)](#): "To preserve a point of error in an appeal from a municipal court, the appellant must raise the identical point in the motion for new trial." This means that Myers must clearly identify and articulate the specific errors he believes occurred in his case.

Given that the judgments are dated June 17, 2025, and today's date is June 24, 2025, Myers still has a few days remaining to file a motion for new trial. This would be his most straightforward option to initiate the appeal process.

## Option 2: Appeal Bond

Assuming Myers files a motion for new trial, the next step would be to file an appeal bond. [Tex. Gov't. Code § 30.00015](#) requires the appeal bond to be filed "not later than the 10th day after the date on which the motion for new trial is overruled." The court has 30 days to act on the motion for new trial, after which time it is automatically overruled by operation of law if no action is taken.

The appeal bond must be in the amount of \$100 or double the amount of the fines and costs, whichever is greater. In Myers' case, the total fines and costs across all three judgments amount to \$549.00 (\$146.00 + \$141.00 + \$262.00). Therefore, the appeal bond would need to be at least \$1,098.00 (double the amount of fines and costs).

The fact that Myers has already paid the fines raises a practical question about the appeal bond requirement. While the statutes do not explicitly address how payment of fines affects the appeal bond requirement, the purpose of the bond is to ensure payment of the judgment. Since payment has already been made, Myers could potentially argue that the appeal bond requirement should be waived or reduced, though this argument is not directly supported by the provided legal authorities.

## Option 3: Appeal to County Criminal Court

If Myers successfully files a motion for new trial and posts an appeal bond, his appeal would proceed to the county criminal court. [Tex. Code Crim. Proc. § 45A.202](#) states: "An appeal from a justice or municipal court, including an appeal from a final judgment in a bond forfeiture proceeding, shall be heard



by the county court or, if the county court has no jurisdiction over the case, the proper court in the county."

Since the Municipal Court of Allen is a court of record, the appeal to the county court would not be by trial de novo. As explained in [Swain v. State, 319 S.W.3d 878 \(Tex. App. 2010\)](#): "The county criminal court may not retry the case; instead, it must determine the appeal on the basis of the errors shown in the municipal court record." This means that the county court will review the municipal court record for errors, rather than conducting a new trial.

The county court has several options when deciding the appeal. [Tex. Gov't. Code § 30.00024](#) provides: "According to the law and the nature of the case, the appellate court may: affirm the judgment of the municipal court of record; reverse and remand for a new trial; reverse and dismiss the case; or reform and correct the judgment."

## **Option 4: Appeal to Court of Appeals**

If the county criminal court affirms the municipal court's judgment, Myers may have the option to further appeal to the court of appeals. [Tex. Gov't. Code § 30.00027\(a\)](#) allows such an appeal if "the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court; or the sole issue is the constitutionality of the statute or ordinance on which a conviction is based."

Since all three of Myers' fines exceed \$100 (\$146.00, \$141.00, and \$262.00), he would meet the financial threshold for appeal to the court of appeals if the county court affirms the municipal court's judgment.

## **Option 5: Restricted Appeal**

If Myers has missed the deadlines for filing a motion for new trial and appeal bond, he might still have the option of pursuing a restricted appeal. Restricted Appeals In Texas (2022-06-09) outlines four jurisdictional requirements for a restricted appeal:

1. The notice of appeal must be filed within six months of the judgment date.
2. The appellant must be a party to the suit who did not participate in the hearing that resulted in the judgment.
3. The appellant must not have timely filed a post-judgment motion, request for findings of fact and conclusions of law, or notice of appeal within the time permitted under Texas Rule of Appellate Procedure 26.1(a).
4. The error complained of must be apparent from the face of the record.

The judgments in Myers' case were rendered on June 17, 2025, so he would have until December 17, 2025, to file a notice of restricted appeal. However, he would need to meet all four jurisdictional requirements, which may be challenging given his participation in the case through his "No Contest" plea.

# Potential Grounds for Appeal

Given Myers' "No Contest" plea, his grounds for appeal are significantly limited. However, there are still potential bases for appeal that he might consider:

## 1. Jurisdictional Defects

Myers' "No Contest" plea does not waive jurisdictional defects. If there were issues with the court's jurisdiction over the case, these could still be raised on appeal. For example, if the alleged offenses occurred outside the city limits of Allen, this could potentially be a jurisdictional issue that could be raised on appeal.

## 2. Constitutional Challenges to the Statutes

[Tex. Gov't. Code § 30.00027](#)(a) specifically allows appeal to the court of appeals when "the sole issue is the constitutionality of the statute or ordinance on which a conviction is based." If Myers believes that the statutes underlying his convictions (e.g., the statutes regarding license plates, registration insignia, or speeding) are unconstitutional, this could provide grounds for appeal.

## 3. Involuntariness of the Plea

As noted in Pretrial Motions (2019-08-16), a defendant who enters a plea of "No Contest" retains the right to appeal issues related to "the voluntariness of his plea." If Myers believes that his "No Contest" plea was not made voluntarily—for example, if he was coerced or not properly informed of the consequences of his plea—this could potentially be grounds for appeal.

## 4. Dismissal Based on Remedying the Defect

For the charge of operating a vehicle without registration insignia, [Tex. Transp. Code § 502.473](#) provides a potential remedy: "A court may dismiss a charge brought under Subsection (a) if the defendant pays a reimbursement fee not to exceed \$10 and: remedies the defect before the defendant's first court appearance; or shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the period during which the offense was committed." If Myers can demonstrate that he remedied the defect before his first court appearance or that the vehicle was actually registered during the relevant period, he might have grounds to seek dismissal of this charge.



# **Practical Considerations and Challenges**

## **Payment of Fines**

The fact that Myers has already paid the fines presents practical challenges. While payment of a fine does not automatically waive all appeal rights, it may be viewed as an acceptance of the judgment, making it more difficult to challenge. Furthermore, even if Myers succeeds in his appeal, the court would need to address the issue of reimbursement for fines already paid.

## **Limited Time for Filing Motion for New Trial**

With the judgments rendered on June 17, 2025, and today being June 24, 2025, Myers has just a few days remaining to file a motion for new trial (until June 27, 2025). This limited timeframe creates practical pressure to act quickly if he wishes to pursue this option.

## **Waiver of Non-Jurisdictional Defects**

Myers' "No Contest" plea has waived many potential grounds for appeal. As stated in [Ex parte Calderon, No. 05-18-01292-CR \(Tex. App. Feb 21, 2019\)](#), "The defendant's plea of guilty or no contest waives all non-jurisdictional defenses including any issue as to the insufficiency of the evidence." This significantly narrows the potential grounds for appeal.

## **Need for Permission to Appeal**

Given Myers' "No Contest" plea, he may need permission from the trial court to appeal matters not raised in a pre-trial motion. [Blanton v. State, 369 S.W. 3d 894 \(Tex. Crim. App. 2012\)](#) states that a defendant who has entered a plea of "nolo contendere" must have "permission of the trial court" to "prosecute his appeal," except for "matters which have been raised by written motion filed prior to trial."

## **Jurisdictional Requirements for Restricted Appeal**

If Myers considers a restricted appeal, it may be challenging to meet all four jurisdictional requirements. In particular, the requirement that the appellant "did not participate in the hearing that resulted in the judgment" may be difficult to satisfy given Myers' "No Contest" plea.

## **Recommendations and Strategy**

Based on the analysis of the legal framework and the specific circumstances of Myers' case, the following recommendations and strategy emerge:

## **Immediate Action: Motion for New Trial**

Given that Myers still has time to file a motion for new trial (until June 27, 2025), this would be the most straightforward option to preserve his appeal rights. The motion should clearly specify the points of error he is complaining about.

## **Potential Grounds for the Motion**

Given the limitations imposed by the "No Contest" plea, Myers should focus on jurisdictional issues, constitutional challenges to the underlying statutes, or arguments regarding the voluntariness of his plea. For the registration insignia charge, he might also consider the specific dismissal provision in [Tex. Transp. Code § 502.473](#) if he can demonstrate that he remedied the defect before his first court appearance or that the vehicle was actually registered during the relevant period.

## **Appeal Bond Consideration**

If Myers files a motion for new trial, he should be prepared to file an appeal bond within 10 days after the motion is overruled. Given that he has already paid the fines, he might consider requesting a reduction or waiver of the appeal bond requirement, though this is not explicitly provided for in the statutes.

## **Restricted Appeal as a Fallback**

If Myers misses the deadline for filing a motion for new trial, he might consider a restricted appeal. However, he should carefully evaluate whether he can meet all four jurisdictional requirements, particularly given his participation in the case through his "No Contest" plea.

## **Seek Permission from the Trial Court**

Given the "No Contest" plea, Myers should consider seeking permission from the trial court to appeal, as required by [Blanton v. State, 369 S.W.3d 894 \(Tex. Crim. App. 2012\)](#), unless the appeal is based on matters raised in a pre-trial motion.

## **Conclusion**

Despite having entered pleas of "No Contest" and having already paid the fines, Myers still has limited options to challenge the municipal court judgments on appeal. His most immediate option is to file a motion for new trial with the municipal clerk by June 27, 2025, clearly specifying the points of error he is complaining about. He would then need to file an appeal bond within 10 days after the motion is overruled, which could lead to an appeal to the county criminal court and potentially to the court of appeals.

However, Myers' "No Contest" plea significantly limits the grounds for appeal, generally restricting them to jurisdictional defects, constitutional challenges to the underlying statutes, or arguments regarding the voluntariness of his plea. For the registration insignia charge, he might also have grounds for dismissal if he can demonstrate that he remedied the defect before his first court appearance or that the vehicle was actually registered during the relevant period.

The fact that Myers has already paid the fines creates practical challenges but does not automatically waive all appeal rights. However, it may be viewed as an acceptance of the judgment, making it more difficult to challenge. Furthermore, even if Myers succeeds in his appeal, the court would need to address the issue of reimbursement for fines already paid.

If Myers misses the deadline for filing a motion for new trial, he might still have the option of pursuing a restricted appeal within six months of the judgment date, though this would require meeting specific jurisdictional requirements that may be challenging given his participation in the case through his "No Contest" plea.

Overall, while Myers has limited options to challenge the judgments on appeal, these options are not entirely foreclosed. With prompt action and careful attention to the procedural requirements, he may still be able to pursue an appeal, though the grounds for appeal will be significantly narrowed by his "No Contest" plea and the payment of the fines.

## **Legal Authorities**

[Ex parte Calderon, No. 05-18-01292-CR \(Tex. App. Feb 21, 2019\)](#)

### **Texas Court of Appeals**

#### **Extract**

In cases where the defendant enters a plea of guilty or no contest, however, the defendant is not entitled to Jackson legal sufficiency review. See *Boykin v. Alabama*, 395 U.S. 238, 242 (1969); *Ex parte Williams*, 703 S.W.2d 674, 682 (Tex. Crim. App. 1986). The defendant's plea of guilty or no contest waives all non-jurisdictional defenses including any issue as to the insufficiency of the evidence. See *Williams*, 703 S.W.2d at 682.

#### **Summary**

When a defendant enters a plea of no contest, they waive the right to challenge the sufficiency of the evidence on appeal. This means that the defendant cannot appeal the judgment on the grounds that the evidence was insufficient to support the conviction. The plea of no contest is treated similarly to a guilty plea in this context, and it waives all non-jurisdictional defenses.

[State v. Morse, 903 S.W.2d 100 \(Tex. App. 1995\)](#)

## **Texas Court of Appeals**

### **Extract**

Under Article 4.03, appeal by a defendant to this Court from trial de novo is available only when the sole issue is the constitutionality of the statute or ordinance on which the conviction is based, or when the fine assessed by the county court exceeds \$100. ... In the case of an appeal from the Midland Municipal Court of Record, the defendant has the right to appeal to this Court only if the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court. TEX.GOV'T CODE ANN. § 30.246 (Vernon 1988); see also *Ex parte Brand*, 822 S.W.2d at 636, 639 n. 3.

### **Summary**

Conditions under which a defendant can appeal a municipal court decision in Texas. Specifically, it states that an appeal is possible if the fine exceeds \$100 or if the constitutionality of the statute is in question. In the current case, the fines for each offense exceed \$100, which provides a basis for appeal.

[Leverson v. State, NO. 03-15-00090-CR, NO. 03-15-00091-CR, NO. 03-15-00092-CR \(Tex. App. Aug 30, 2016\)](#)

## **Texas Court of Appeals**

### **Extract**

The county court issued a written opinion and judgment affirming the judgments of the municipal court. See Tex. Gov't Code § 30.00024(a), (c); see also id. § 30.00014(b); Tex. Crim. Proc. Code art. 45.042(b). Proceeding pro se, appellant now appeals to this court. See Tex. Gov't Code § 30.00027(a) (defendant convicted in municipal court of record may appeal to court of appeals if fine assessed against defendant exceeds \$100 and county court affirms municipal court's judgment).

### **Summary**

A defendant convicted in a municipal court of record in Texas may appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and the county court affirms the municipal court's judgment. This is relevant to the current situation because the fines assessed in the judgments against Ryan Sterling Myers exceed \$100, making them eligible for appeal under the conditions described.

[Sultan v. Mathew, 178 S.W.3d 747 \(Tex. 2005\)](#)

## **Texas Supreme Court**

### **Extract**

An appeal or Writ of Error may be taken to the Court of Appeals from every final judgment of the district court in civil cases, and from every final judgment in the county court in civil cases of which the county court has original jurisdiction, and from every final judgment of the county court in civil cases in which the court has appellate jurisdiction, where the judgment or amount in controversy exceeds one hundred dollars exclusive of interest and costs.

### **Summary**

In Texas, an appeal can be taken from a final judgment in civil cases if the amount in controversy exceeds \$100, exclusive of interest and costs. This suggests that the judgments in question, which involve fines exceeding \$100, may be eligible for appeal to the Court of Appeals, provided other procedural requirements are met.

[Ex parte Minjares, 582 S.W.2d 105 \(Tex. Crim. App. 1978\)](#)

## **Texas Court of Criminal Appeals**

### **Extract**

Petitioner was ordered committed to the El Paso county jail in default of the fines adjudged against him. There he served sixty-two days of jail time, receiving credit toward his judgments at the rate of \$5.00 per day, totaling \$310.00. In addition, the sheriff of El Paso County, pursuant to V.A.T.S., Article 5118a, purported to commute one third of petitioner's sentence at the rate of \$2.50 per day, totaling \$155.00. On November 10, 1977, petitioner filed his application for writ of habeas corpus alleging that he had satisfied the judgments against him and was entitled to be discharged.

### **Summary**

The case discusses the application of jail time credit towards fines in municipal court judgments. The petitioner in the case sought relief through a writ of habeas corpus, arguing that he had satisfied the judgments against him through jail time credit. The court's decision provides insight into how jail time credit is applied and the limitations of such credits in municipal court cases. This information is relevant for understanding potential avenues for challenging judgments related to fines and jail time in Texas.

[Flowers v. State, 935 S.W.2d 131 \(Tex. Crim. App. 1996\)](#)

## **Texas Court of Criminal Appeals**

## **Extract**

Appeal is perfected in a criminal case by giving timely notice of appeal; except, it is unnecessary to give notice of appeal in death penalty cases. Notice of appeal shall be given in writing filed with the clerk of the trial court. Such notice shall be sufficient if it shows the desire of the defendant to appeal from the judgment or other appealable order; but if the judgment was rendered upon his plea of guilty or nolo contendere pursuant to Article 1.15, Code of Criminal Procedure, and the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and his attorney, in order to prosecute an appeal for a nonjurisdictional defect or error that occurred prior to entry of the plea the notice shall state that the trial court granted permission to appeal or shall specify that those matters were raised by written motion and ruled on before trial.

## **Summary**

In Texas, to appeal a criminal case judgment, a defendant must file a written notice of appeal with the trial court's clerk. This notice must express the defendant's desire to appeal. However, if the judgment was based on a plea of guilty or nolo contendere, and the punishment does not exceed what was agreed upon, the notice must indicate that the trial court granted permission to appeal or that the issues were raised and ruled on before trial. This is crucial for appealing nonjurisdictional defects or errors that occurred before the plea.

[Ex parte Williams, 703 S.W.2d 674 \(Tex. Crim. App. 1986\)](#)

## **Texas Court of Criminal Appeals**

### **Extract**

Ex parte Burns, 133 Tex.Cr.R. 77, 109 S.W.2d 211 (1937), made clear that when the trial court has jurisdiction to render judgment and the law affords a remedy by appeal the court cannot in habeas corpus proceedings inquire into questions of the sufficiency of the evidence upon which the judgment was rendered. A study of the cases supporting the above general rule shows that it has been applied or intended to apply across the board to all types of criminal cases, whether the offense be a felony or misdemeanor or whether the trial be before the court or jury, and whether the plea is one of not guilty, guilty, or nolo contendere.

### **Summary**

In Texas, once a trial court has jurisdiction and a judgment is rendered, the sufficiency of the evidence cannot be challenged through habeas corpus if an appeal was available. This applies to all criminal cases, including those where a plea of nolo contendere (no contest) was entered. Therefore, the

passage suggests that challenging the sufficiency of the evidence on appeal may not be a viable option if the judgment was rendered with jurisdiction and the opportunity for appeal was available.

[Montpas v. State, 997 S.W.2d 650 \(Tex. App. 1999\)](#)

## **Texas Court of Appeals**

### **Extract**

The Courts of Appeals shall have appellate jurisdiction coextensive with the limits of their respective districts in all criminal cases except those in which the death penalty has been assessed. This Article shall not be so construed as to embrace any case which has been appealed from any inferior court to the county court, the county criminal court, or county court at law, in which the fine imposed by the county court, the county criminal court or county court at law does not exceed one hundred dollars, unless the sole issue is the constitutionality of the statute or ordinance on which the conviction is based.

### **Summary**

The Texas Courts of Appeals have limited jurisdiction over cases appealed from municipal courts to county courts when the fine does not exceed one hundred dollars. The exception to this limitation is if the appeal is based on the constitutionality of the statute or ordinance under which the conviction was made. This means that for fines exceeding one hundred dollars, such as those in the current case, the appellate court may have jurisdiction, but the appeal must be based on grounds other than the amount of the fine, such as procedural errors or constitutional issues.

[Gutierrez v. State, 01-24-00414-CR \(Tex. App. Aug 01, 2024\)](#)

## **Texas Court of Appeals**

### **Extract**

We also lack jurisdiction over this appeal because, in a plea-bargain case, a defendant may only appeal those matters that were raised by written motion filed and ruled on before trial or after getting the trial court's permission to appeal. Tex. Code Crim. Proc. art. 44.02; Tex.R.App.P. 25.2(a)(2). An appeal must be dismissed if a certification showing that the defendant has the right of appeal has not been made part of the record. Tex.R.App.P. 25.2(d); see *Dears v. State*, 154 S.W.3d 610, 613 (Tex. Crim. App. 2005). Here, the clerk's record supports the trial court's certification that this is a plea-bargain case and that appellant has no right of appeal.



## Summary

In Texas, a defendant in a plea-bargain case can only appeal matters that were raised by a written motion filed and ruled on before trial or if the trial court grants permission to appeal. Additionally, an appeal must be dismissed if there is no certification showing the defendant's right to appeal. This means that if Ryan Sterling Myers entered a plea of "No Contest" as part of a plea bargain, his options to appeal are limited unless he meets these specific conditions.

[Carr v. State, NO. 01-18-00880-CR \(Tex. App. Dec 13, 2018\)](#)

### Texas Court of Appeals

#### Extract

A person convicted of an offense in a municipal court of record may appeal that conviction to a county criminal court. TEX. GOV'T CODE ANN. § 30.00014(a) (West Supp. 2018). The county criminal court may not retry the case but determines the appeal on the basis of any errors shown in the municipal court record. See *id.* § 30.00014(b); *Swain v. State*, 319 S.W.3d 878, 879 (Tex. App.—Fort Worth 2010, no pet.). The county criminal court may affirm, reverse, or reform the municipal court's judgment. TEX. GOV'T CODE ANN. § 30.00024(a) (West Supp. 2018); see *Alexander v. State*, 240 S.W.3d 72, 74 (Tex. App.—Austin 2007, no pet.). The defendant may then appeal to the court of appeals if (1) the county criminal court affirms the municipal court's judgment and the fine assessed against the defendant exceeds \$100, or (2) the sole issue is the constitutionality of the statute or ordinance on which a conviction is based. TEX. GOV'T CODE ANN. § 30.00027(a) (West Supp. 2018); see *Flores v. State*, 462 S.W.3d 551, 552 (Tex. App.—Houston [1st Dist.] 2015, no pet.).

## Summary

A person convicted in a municipal court of record in Texas can appeal to a county criminal court. The county criminal court will not retry the case but will review it for any errors in the municipal court record. If the county criminal court affirms the municipal court's judgment and the fine exceeds \$100, or if the appeal is based on the constitutionality of the statute, the defendant can further appeal to the court of appeals. This information is directly relevant to understanding the appeal process for the judgments in question.

[Preston v. State, 145 S.W.3d 683 \(Tex. App. 2004\)](#)

### Texas Court of Appeals

## **Extract**

Unless the sole issue is the constitutionality of the statute or ordinance on which the conviction is based, we only have jurisdiction over such an appeal from a county criminal court at law if (1) the fine assessed against appellant exceeds \$100 and (2) if the judgment is affirmed by the appellate court. TEX.CODE CRIM. PROC. ANN. art. 4.03 (Vernon Supp.2004); TEX. GOV'T CODE ANN. § 30.00027(a) (Vernon 2004).

## **Summary**

For an appeal to be considered from a municipal court of record in Texas, the fine must exceed \$100, and the judgment must be affirmed by the appellate court. This is relevant to the current situation as the fines in the judgments for the traffic offenses exceed \$100, which means they meet one of the criteria for appeal. However, the passage also indicates that the appeal must be based on specific grounds, such as the constitutionality of the statute or ordinance, or errors in the trial process.

[Swain v. State, 319 S.W.3d 878 \(Tex. App. 2010\)](#)

## **Texas Court of Appeals**

### **Extract**

A person convicted of an offense in a municipal court of record may appeal that conviction to a county criminal court. Id. § 30.00014(a). The county criminal court may not retry the case; instead, it must determine the appeal on the basis of the errors shown in the municipal court record. Id. § 30.00014(b) (“An appeal from the municipal court of record may not be by trial de novo.”) (emphasis added). The county criminal court may affirm, reverse, or reform the municipal court's judgment. Id. § 30.00024(a); *Alexander v. State*, 240 S.W.3d 72, 74 (Tex.App.-Austin 2007, no pet.). The defendant may then appeal to the court of appeals if the county criminal court affirms the municipal court's judgment and if the fine assessed against the defendant exceeds \$100. Tex. Gov't Code Ann. § 30.00027(a).

### **Summary**

A defendant convicted in a municipal court of record in Texas can appeal to a county criminal court. The county criminal court will not conduct a new trial but will review the case based on the municipal court record. If the county criminal court affirms the municipal court's judgment, the defendant can further appeal to the court of appeals if the fine exceeds \$100. This is relevant because the fines in the judgments in question exceed \$100, making them eligible for appeal to the court of appeals.

[Abrams v. State, 563 S.W.2d 610 \(Tex. Crim. App. 1978\)](#)

## **Texas Court of Criminal Appeals**

### **Extract**

In construing Articles 44.08 and 42.02, *supra*, together, we conclude in the instant case that the reasoning in *McIntosh* and *Weston* is here applicable. We hold, therefore, that in misdemeanor cases where the maximum possible punishment is by fine only, the notice of appeal to the Court of Criminal Appeals must be given within ten days after the entry of the judgment if no motions for new trial are timely filed. If a motion or amended motion for new trial is timely and properly filed, then notice of appeal shall be given within ten days after the overruling of the motion or amended motion for new trial.

### **Summary**

In misdemeanor cases in Texas where the punishment is by fine only, the notice of appeal must be given within ten days after the entry of the judgment if no motions for a new trial are filed. If a motion for a new trial is filed, the notice of appeal must be given within ten days after the motion is overruled. This provides a clear timeline for when an appeal must be filed in such cases.

[Carrillo v. State, NO. 01-11-00495-CR \(Tex. App. Sep 29, 2011\)](#)

## **Texas Court of Appeals**

### **Extract**

Generally, a defendant in a criminal case must file his notice of appeal within thirty days of the date of the appealed judgment, or if a motion for new trial is filed, within ninety days of the judgment. TEX. R. APP. P. 26.2(a).

### **Summary**

In Texas, a defendant must file a notice of appeal within thirty days of the judgment in a criminal case. If a motion for a new trial is filed, this period extends to ninety days. This rule is applicable to all criminal cases in Texas, including the ones mentioned in the question.

[Tweedie v. State, 10 S.W.3d 346 \(Tex. App. 1998\)](#)

## **Texas Court of Appeals**

### **Extract**

Generally, in appeals from justice and municipal courts, the appeal is perfected when a proper appeal bond is filed with the justice or judge who tried the case, not later than the tenth day after the date the judgment was

entered. Tex. Code Crim. Proc. Ann. art 44.14(b) (Vernon Supp. 1998). Under article 27.14(b), however, a defendant charged with a misdemeanor for which the maximum possible punishment is a fine may file a letter with the justice or municipal court as an alternative to the ten day rule. The defendant may mail or deliver in person to the court a plea of guilty or nolo contendere and a waiver of jury trial. If the plea and waiver are received by the court before the defendant's scheduled court date, then the court shall dispose of the case and notify the defendant of the fine amount and, if requested, the amount of the appeal bond. The defendant shall pay any fine assessed or give an appeal bond in the amount stated in the notice before the thirty-first day after receiving the notice. Tex. Code Crim. Proc. Ann. art. 27.14(b) (Vernon Supp. 1998).

## **Summary**

In Texas, to appeal a judgment from a municipal court, a defendant must file an appeal bond with the court that tried the case within ten days of the judgment. Alternatively, under article 27.14(b), a defendant can file a plea and waiver before the court date, and then pay the fine or file an appeal bond within thirty-one days of receiving notice of the fine. This information is crucial for understanding the procedural requirements for appealing a municipal court judgment in Texas.

[Chapa v. State, No. 05-19-00609-CR \(Tex. App. Mar 09, 2020\)](#)

## **Texas Court of Appeals**

### **Extract**

To perfect an appeal from a municipal court conviction, an appellant must file a written motion for new trial with the municipal clerk setting forth the points of error of which appellant complains. See TEX. GOV'T CODE ANN. § 30.00014(c). To preserve a point of error in an appeal from a municipal court, the appellant must raise the identical point in the motion for new trial.

## **Summary**

To challenge a municipal court conviction in Texas, the appellant must file a written motion for a new trial with the municipal clerk. This motion must clearly set forth the points of error the appellant is complaining about. Furthermore, to preserve these points of error for appeal, they must be identical to those raised in the motion for a new trial. This process is governed by the Texas Government Code, which provides the procedural requirements for appealing municipal court convictions.

[Turner v. State, No. 05-17-00732-CR \(Tex. App. Feb 08, 2018\)](#)

## **Texas Court of Appeals**

### **Extract**

Accordingly, when appealing from a municipal court judgment, to preserve an issue for consideration, a claim of error must be raised in the motion for new trial, and the record must reflect that the same claim was raised before the municipal court. *Id.* A defendant may seek further appellate review with a court of appeals under certain circumstances, which have been met here. See TEX. GOV'T CODE ANN. § 30.00027(a).

### **Summary**

To challenge a municipal court judgment on appeal, a defendant must have raised the claim of error in a motion for a new trial, and the record must show that the same claim was raised before the municipal court. This is a procedural requirement to preserve the issue for appellate review. Additionally, the passage indicates that further appellate review with a court of appeals is possible under certain circumstances, as outlined in the Texas Government Code.

[Arias v. State, 477 S.W.3d 925 \(Tex. App. 2015\)](#)

## **Texas Court of Appeals**

### **Extract**

When a person convicted of an offense in a municipal court of record appeals that conviction to a county criminal court, the county criminal court must determine the appeal on the basis of any errors shown in the municipal court record. Tex. Gov't Code § 30.00014(b) ('An appeal from the municipal court of record may not be by trial de novo.'). The county criminal court may affirm, reverse, or reform the municipal court's judgment. *Id.* § 30.00024(a); *Swain v. State*, 319 S.W.3d 878, 879 (Tex.App.-Fort Worth 2010, no pet). The defendant may then appeal to the court of appeals if the county criminal court affirms the municipal court's judgment and if the fine assessed against the defendant exceeds \$100. Tex. Gov't Code § 30.00027(a); *Swain*, 319 S.W. 3d at 879. Our review in such a case is limited to those issues considered by the county criminal court. See Tex. Gov't Code § 30.00027(b)(1) (setting forth requirement that in an appeal from a municipal court of record, the record and briefs from the appeal to the county court constitute the record and briefs at the court of appeals).

### **Summary**

In Texas, when appealing a conviction from a municipal court of record, the appeal to a county criminal court is based on errors in the municipal court record, not a new trial. The county criminal court can affirm, reverse, or reform the judgment. If the county court affirms the judgment and the fine

exceeds \$100, the defendant can appeal to the court of appeals. The review at the court of appeals is limited to issues considered by the county criminal court.

[Blanton v. State, 369 S.W.3d 894 \(Tex. Crim. App. 2012\)](#)

## **Texas Court of Criminal Appeals**

### **Extract**

A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed; provided, however, before the defendant who has been convicted upon either his plea of guilty or plea of nolo contendere before the court and the court, upon the election of the defendant, assesses punishment and the punishment does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and his attorney may prosecute his appeal, he must have permission of the trial court, except on those matters which have been raised by written motion filed prior to trial.

### **Summary**

A defendant who has entered a plea of nolo contendere (no contest) and has been convicted can appeal the judgment under certain conditions. Specifically, the defendant must have the trial court's permission to appeal unless the appeal concerns matters raised by a written motion filed before the trial. This suggests that if Ryan Sterling Myers wishes to appeal the judgments, he would need to seek the trial court's permission unless there were pre-trial motions that could be the basis for an appeal.

[Ex parte Brand, 822 S.W.2d 636 \(Tex. Crim. App. 1992\)](#)

## **Texas Court of Criminal Appeals**

### **Extract**

A person convicted of a fineable only offense has the right to appeal that conviction to a county court or county court at law. Art. 44.02, V.A.C.C.P., Tex.Gov't Code Ann. §§ 26.046, 30.493. Thus, applicant had the right to appeal either of his convictions, but he opted not to do so. ... When the appeal is to the county court on the record, appeal to the courts of appeals is available only when (a) the fine assessed by the convicting court exceeded One Hundred Dollars (\$100.00), and (b) the appellate court affirmed the conviction. Tex.Gov't Code Ann. § 30.505.

## **Summary**

Individuals convicted of fineable offenses in Texas have the right to appeal their convictions to a county court or county court at law. Furthermore, an appeal to the courts of appeals is available if the fine exceeds \$100 and the appellate court affirms the conviction. This information is directly relevant to the question of challenging the judgments on appeal.

[Alexander v. State, 240 S.W.3d 72 \(Tex. App. 2007\)](#)

## **Texas Court of Appeals**

### **Extract**

A person convicted of an offense in a municipal or justice of the peace court may appeal that conviction to a county court or county court at law. Tex.Code Crim. Proc. Ann. art. 44.02 (West 2006) (municipal courts and justice of the peace courts); Tex. Gov't Code Ann. § 30.00014(a) (West Supp. 2006) (municipal courts of record). As a general rule, the appeal from the inferior court to the county court is by trial de novo. Tex.Code Crim. Proc. Ann. arts. 44.17, 45.042(b) (West 2006). But in an appeal from a municipal court of record, the county court may not retry the case; instead, it must determine the appeal on the basis of the errors shown in the municipal court record.

## **Summary**

A person convicted in a municipal court of record in Texas can appeal the conviction to a county court or county court at law. The appeal is typically by trial de novo, meaning the case is retried, but if the appeal is from a municipal court of record, the county court must determine the appeal based on errors in the municipal court record. This means that the appellant must identify specific errors in the municipal court proceedings to have grounds for an appeal.

[Tex. Code Crim. Proc. § 45A.203 Tex. Code Crim. Proc. § 45A.203 Appeal Bond](#)

### **Extract**

An appeal is perfected when the appeal bond has been filed: with the justice or judge who tried the case; and not later than the 10th day after the date the judgment was entered.



## Summary

To challenge the judgments on appeal, an appeal bond must be filed with the justice or judge who tried the case within 10 days after the judgment was entered. This is a procedural requirement to perfect an appeal, and failure to meet this deadline means the appellate court will not have jurisdiction over the case.

[Tex. Code Crim. Proc. § 44.17](#) [Tex. Code Crim. Proc. § 44.17 Appeal to County Court, How Conducted](#)

## Extract

In all appeals to a county court from justice courts and municipal courts other than municipal courts of record, the trial shall be de novo in the trial in the county court, the same as if the prosecution had been originally commenced in that court. An appeal to the county court from a municipal court of record may be based only on errors reflected in the record.

## Summary

Procedure for appealing judgments from justice courts and municipal courts in Texas. If the appeal is from a municipal court that is not a court of record, the trial in the county court will be de novo, meaning it will be as if the case is being tried for the first time. However, if the appeal is from a municipal court of record, the appeal can only be based on errors that are reflected in the record of the original trial. This means that for the cases in question, if they were from a municipal court of record, the appeal would need to focus on any legal errors that occurred during the original proceedings.

[Tex. Code Crim. Proc. § 45A.204](#) [Tex. Code Crim. Proc. § 45A.204 Effect of Appeal](#)

## Extract

All further proceedings in the case in the justice or municipal court must cease when a defendant files the appeal bond required by law with the justice or municipal court.

## Summary

Once a defendant files the appeal bond required by law, all further proceedings in the case in the justice or municipal court must cease. This indicates that filing an appeal bond is a critical step in the appeal process, and it effectively halts any further actions in the lower court regarding the case.

## [Tex. Code Crim. Proc. § 44.02 Tex. Code Crim. Proc. § 44.02 Defendant May Appeal](#)

### **Extract**

A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed, provided, however, before the defendant who has been convicted upon either his plea of guilty or plea of nolo contendere before the court and the court, upon the election of the defendant, assesses punishment and the punishment does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and his attorney may prosecute his appeal, he must have permission of the trial court, except on those matters which have been raised by written motion filed prior to trial.

### **Summary**

A defendant who has been convicted upon a plea of nolo contendere (no contest) has the right to appeal. However, if the punishment does not exceed what was recommended by the prosecutor and agreed to by the defendant and his attorney, the defendant must have permission from the trial court to appeal, except for matters raised by written motion before the trial. This means that if Ryan Sterling Myers wishes to appeal the judgments, he would need to seek permission from the trial court unless there were pre-trial motions that could be the basis for an appeal.

## [Tex. Code Crim. Proc. § 45A.202 Tex. Code Crim. Proc. § 45A.202 Appeal](#)

### **Extract**

An appeal from a justice or municipal court, including an appeal from a final judgment in a bond forfeiture proceeding, shall be heard by the county court or, if the county court has no jurisdiction over the case, the proper court in the county. A de novo trial shall be held on appeal unless the appeal is: taken from a municipal court of record; and based on error reflected in the record.

### **Summary**

An appeal from a municipal court judgment in Texas can be heard by the county court. The appeal will generally result in a de novo trial unless it is from a municipal court of record and based on an error reflected in the record. This means that if the municipal court is not a court of record, the appellant can expect a new trial in the county court. If the municipal court is a court of record, the appeal must be based on an error in the record.

[Tex. Gov't. Code § 30.00162 Tex. Gov't. Code § 30.00162 Disposition On Appeal; Presumptions; Decision](#)

## **Extract**

The appellate court may: affirm the judgment of the municipal court of record; reverse and remand for a new trial; reverse and dismiss the case; reform and correct the judgment; abate the appeal or dismiss the appeal; or enter any other appropriate order, as the law and the nature of the case require.

## **Summary**

The appellate court has several options when reviewing a case from a municipal court of record. These options include affirming the judgment, reversing and remanding for a new trial, reversing and dismissing the case, reforming and correcting the judgment, abating or dismissing the appeal, or entering any other appropriate order. This provides a broad range of potential outcomes for an appeal, depending on the specifics of the case and any errors or issues identified in the original trial.

[Tex. Gov't. Code § 30.00014 Tex. Gov't. Code § 30.00014 Appeal](#)

## **Extract**

To perfect an appeal, the appellant must file a written motion for new trial with the municipal clerk not later than the 10th day after the date on which judgment is rendered. The motion must set forth the points of error of which the appellant complains. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending, but the extension may not exceed 90 days from the original filing deadline. If the court does not act on the motion before the expiration of the 30 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

## **Summary**

To challenge the judgments on appeal, the defendant must file a written motion for a new trial with the municipal clerk within 10 days of the judgment date. The motion should specify the points of error. The motion can be amended with court approval before the court acts on it, but not later than 20 days after the original motion is filed. The court can extend the filing or amending period for good cause, but not beyond 90 days from the original deadline. If the court does not act on the motion within 30 days, it is overruled by law.

[Tex. Code Crim. Proc. § 44.01 Tex. Code Crim. Proc. § 44.01 Appeal By State](#)

## **Extract**

Nothing in this article is to interfere with the defendant's right to appeal under the procedures of Article CODE OF CRIMINAL PROCEDURE 44.02. The defendant's right to appeal under Article CODE OF CRIMINAL PROCEDURE 44.02 may be prosecuted by the defendant where the punishment assessed is in accordance with Subchapter C, Chapter 42A, as well as any other punishment assessed in compliance with Article CODE OF CRIMINAL PROCEDURE 44.02.

## **Summary**

The defendant retains the right to appeal under Article 44.02 of the Texas Code of Criminal Procedure. This right is not interfered with by the provisions of Article 44.01, which primarily addresses the state's right to appeal. Therefore, the defendant can pursue an appeal if the punishment assessed is in accordance with the relevant legal provisions.

[Tex. Transp. Code § 502.473 Tex. Transp. Code § 502.473 Operation of Vehicle Without Registration Insignia](#)

## **Extract**

A court may dismiss a charge brought under Subsection (a) if the defendant pays a reimbursement fee not to exceed \$10 and: remedies the defect before the defendant's first court appearance; or shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the period during which the offense was committed.

## **Summary**

The Texas Transportation Code provides a potential remedy for dismissing a charge related to operating a vehicle without a properly displayed registration insignia. If the defendant can show that they remedied the defect before their first court appearance or that the vehicle was indeed registered for the period in question, the court may dismiss the charge upon payment of a reimbursement fee not exceeding \$10. This provision is applicable to cases involving the operation of a vehicle without a properly displayed registration insignia.

[Tex. Gov't. Code § 30.00027 Tex. Gov't. Code § 30.00027 Appeals to Court of Appeals](#)

## **Extract**

The appellant has the right to appeal to the court of appeals if: the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellate court; or the sole issue is the constitutionality of the statute or ordinance on which a conviction is based.

## **Summary**

The passage provides two specific conditions under which an appeal to the court of appeals is permissible: (1) if the fine assessed exceeds \$100 and the judgment is affirmed by the appellate court, or (2) if the sole issue on appeal is the constitutionality of the statute or ordinance on which the conviction is based. Since the fines in the cases mentioned exceed \$100, the first condition is met, allowing for an appeal. Additionally, if there is a constitutional issue with the statute or ordinance, that could also be a basis for appeal.

[Tex. Code Crim. Proc. § 27.14 Tex. Code Crim. Proc. § 27.14 Plea of Guilty Or Nolo Contendere In Misdemeanor](#)

## **Extract**

A plea of 'guilty' or a plea of 'nolo contendere' in a misdemeanor case may be made either by the defendant or his counsel in open court; in such case, the defendant or his counsel may waive a jury, and the punishment may be assessed by the court either upon or without evidence, at the discretion of the court... In a misdemeanor case for which the maximum possible punishment is by fine only, payment of a fine or an amount accepted by the court constitutes a finding of guilty in open court as though a plea of nolo contendere had been entered by the defendant and constitutes a waiver of a jury trial in writing.

## **Summary**

Entering a plea of "nolo contendere" (no contest) in a misdemeanor case, where the maximum punishment is a fine, results in a finding of guilt and a waiver of the right to a jury trial. The payment of the fine further solidifies this finding of guilt as if the plea had been entered in open court. This means that the defendant has limited options to challenge the judgment on appeal, as the plea and payment constitute an acceptance of the judgment.

[Tex. Code Crim. Proc. § 42.111 Tex. Code Crim. Proc. § 42.111 Deferral of Proceedings In Cases Appealed to County Court](#)

## **Extract**

If a defendant convicted of a misdemeanor punishable by fine only appeals the conviction to a county court, on the trial in county court the defendant may enter a plea of guilty or nolo contendere to the offense. If the defendant enters a plea of guilty or nolo contendere, the court may defer further proceedings without entering an adjudication of guilt in the same manner as provided for the deferral of proceedings in justice court or municipal court under Subchapter G, Chapter 45A. This article does not apply to a misdemeanor case disposed of under Subchapter B, Chapter 543, Transportation Code, or a serious traffic violation as defined by Section Transportation Code 522.003, Transportation Code.

## **Summary**

A defendant convicted of a misdemeanor punishable by fine only can appeal the conviction to a county court. During the trial in the county court, the defendant may enter a plea of guilty or nolo contendere, and the court may defer further proceedings without entering an adjudication of guilt. However, this option does not apply to cases disposed of under Subchapter B, Chapter 543, Transportation Code, or serious traffic violations as defined by Section 522.003, Transportation Code. This means that if the offenses in question fall under these exceptions, the option to defer proceedings may not be available.

[Tex. Gov't. Code § 30.00015 Tex. Gov't. Code § 30.00015 Appeal Bond](#)

## **Extract**

If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the municipal court of record. The bond must be approved by the court and must be filed not later than the 10th day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond. The appeal bond must be in the amount of \$100 or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must: state that the defendant was convicted in the case and has appealed; and be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

## **Summary**

In order to appeal a municipal court judgment in Texas, a defendant who is not in custody must file an appeal bond with the municipal court of record. This bond must be approved by the court and filed within 10 days after the motion for a new trial is overruled. The bond amount must be \$100 or double the fines and costs, whichever is greater. The bond must state the

conviction and appeal and require the defendant's immediate and daily appearance in the appellate court.

#### [Tex. Gov't. Code § 30.00147 Tex. Gov't. Code § 30.00147 Perfecting Appeal](#)

### **Extract**

A defendant, as a condition of perfecting an appeal to the appellate court, must file an appeal bond, unless the defendant is in custody. An appeal may be perfected by timely filing with the municipal court clerk an appeal bond that meets the requirements of Subchapter A. It is not necessary to file a notice of appeal. If the defendant is in custody, the appeal is perfected when notice of appeal is given as provided by Article Code of Criminal Procedure 44.13, Code of Criminal Procedure. ... The appeal bond must be filed not later than the 10th day after overruling of the motion or amended motion for new trial, or if there is no motion or amended motion for new trial, not later than the 10th day after the rendition of the judgment of conviction. ... For good cause shown, not later than the 100th day after the date of rendition of the judgment of conviction, the appellate court or the court of appeals may permit the filing of an appeal bond or the giving of notice of appeal in the municipal court of record even though the time limits set under this section have expired.

### **Summary**

To challenge the judgments on appeal, the defendant must file an appeal bond within specific time limits. The appeal bond must be filed not later than the 10th day after the judgment of conviction if no motion for a new trial is filed. However, for good cause, the appellate court may allow the filing of an appeal bond up to the 100th day after the judgment. This provides a potential avenue for appeal even if the initial time limits have passed, provided there is good cause.

#### [Tex. Gov't. Code § 30.00024 Tex. Gov't. Code § 30.00024 Disposition On Appeal](#)

### **Extract**

According to the law and the nature of the case, the appellate court may: affirm the judgment of the municipal court of record; reverse and remand for a new trial; reverse and dismiss the case; or reform and correct the judgment.

### **Summary**

The appellate court has several options when considering an appeal from a municipal court of record. These options include affirming the judgment, reversing and remanding for a new trial, reversing and dismissing the case,



or reforming and correcting the judgment. This provides a framework for understanding the potential outcomes of an appeal and the avenues available for challenging the judgments.

### [Pretrial Motions](#)

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### **Extract**

When a defendant enters an open plea of guilty to an offense, he waives the right to appeal any nonjurisdictional defects, other than the voluntariness of his plea, which occurred before entry of the plea. *Flowers v. State*, 935 S.W. 2d 131 (Tex. Crim. App. 1996).

### **Summary**

When a defendant enters a plea of guilty or no contest, they generally waive the right to appeal any nonjurisdictional defects that occurred before the entry of the plea. The only exception to this waiver is if the defendant can demonstrate that their plea was not entered voluntarily. This means that in the case of Ryan Sterling Myers, since he entered a plea of no contest, he has waived the right to appeal any nonjurisdictional issues unless he can show that his plea was involuntary.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2019 - James Publishing - Mark G. Daniel, Robert K. Gill - 2019-08-16**

### **Extract**

When a defendant enters an open plea of guilty to an offense, he waives the right to appeal any nonjurisdictional defects, other than the voluntariness of his plea, which occurred before entry of the plea. *Flowers v. State*, 935 S.W. 2d 131 (Tex. Crim. App. 1996).

### **Summary**

When a defendant enters a plea of guilty or no contest, they generally waive the right to appeal any nonjurisdictional defects that occurred before the plea, except for issues related to the voluntariness of the plea. This means that the defendant's options for appeal are limited to challenging the voluntariness of the plea or any jurisdictional issues.

## [CHAPTER 5 Interlocutory Appeals](#)

### **Practitioner's Guide to Civil Appeals in Texas - Full Court Press**

#### **Extract**

An issue that continues to brew in Texas jurisprudence is whether a party who did not utilize his right to appeal on an interlocutory basis may challenge the interlocutory order after final judgment. Section 51.014(a) of the Texas Civil Practice & Remedies Code provides that a person 'may' appeal from one of the listed interlocutory orders. The Texas Supreme Court has construed this language to mean interlocutory appeal is permitted but not mandated—sometimes. Specifically, in *Hernandez v. Ebrom*, a defendant-doctor failed to challenge the adequacy of the plaintiff's expert report by interlocutory appeal, as permitted by Section 51.014(a), and instead waited to raise it in his appeal from the final judgment. The Supreme Court concluded that the defendant's failure to pursue an interlocutory appeal did not waive his complaints about the expert report.

#### **Summary**

In Texas, a party may still challenge certain interlocutory orders after a final judgment, even if they did not appeal them on an interlocutory basis. This suggests that there might be an opportunity to appeal the final judgment of the traffic offenses, even though the fines have been paid, if there are grounds to challenge the underlying orders or procedures.

## [Post-Trial Issues](#)

### **Texas Criminal Lawyer's Handbook. Volume 2 - 2021 - James Publishing - Mark G. Daniel, Robert K. Gill - 2021-08-16**

#### **Extract**

A trial court is not required to issue a writ of habeas corpus unless the applicant has no adequate remedy at law. *Ex parte Weise*, 55 S.W.3d 617 (Tex. Crim. App. 2001). A refusal to issue a writ after a hearing on whether to issue the writ or not is not appealable. Appeal does not lie unless a writ issued and relief was denied. *Ex parte Hargett*, 819 S.W.2d 866 (Tex. Crim. App. 1991). Applicant does not have the right to appeal the trial court's ruling unless the trial court actually ruled on the merits of the applicant's claim. *Ex parte Gonzales*, 12 S.W.3d 913 (Tex.App.—Austin 2000, pet. ref'd). If the trial court declined to issue a writ of habeas corpus but proceeded to rule on the merits of applicant's petition, there, notwithstanding the refusal to issue the writ, and not having dismissed the application, he, in effect has ruled on it and the Court of Appeals has jurisdiction over applicant's appeal. *Hargett v. State*, Tex Cr, 819 S.W.2d 860 (1991) on remand 827 S.W.2d 606.

## Summary

The passage provides insight into the appeal process concerning writs of habeas corpus in Texas. It explains that an appeal is only possible if a writ was issued and relief was denied, or if the trial court ruled on the merits of the applicant's claim. This information is relevant to understanding the potential avenues for appeal in the context of the judgments against Ryan Sterling Myers.

### [Post-trial issues](#)

**Texas Criminal Lawyer's Handbook. Volume 1-2 - James Publishing - Mark G. Daniel, Robert K. Gill - 2022-05-05**

## Extract

A plea bargaining defendant can challenge the trial court's jurisdiction through an application for writ of habeas corpus. *Ex parte Lockett*, 956 S.W. 2d 41 (Tex. Crim. App. 1997).

## Summary

The passage provides insight into one potential avenue for challenging the judgments: filing an application for a writ of habeas corpus to challenge the trial court's jurisdiction. This is applicable even in cases where a plea bargain has been entered, as indicated by the reference to *Ex parte Lockett*.

### [Post-trial proceedings](#)

**Texas Criminal Forms - Volume 1-2 - James Publishing - Robert K. Gill, Mark Daniel - 2022-04-02**

## Extract

A defendant in a criminal case has the right of appeal under Code of Criminal Procedure article 44.02 and these rules. The trial court shall enter a certification of the defendant's right of appeal each time it enters a judgment of guilt or other appealable order.

## Summary

A defendant in a criminal case in Texas has the right to appeal a judgment of guilt under the Texas Code of Criminal Procedure article 44.02. This right is applicable to any criminal case where a judgment of guilt is entered, and the trial court is required to certify the defendant's right to appeal. This means that even though the fines have been paid, the defendant still retains the right to appeal the judgments if they believe there was an error in the proceedings or the judgment.

## [Misdemeanor Defense](#)

**Texas Small-Firm Practice Tools. Volume 1-2 - James Publishing -  
Cindy Stormer - 2022-05-05**

### **Extract**

A defendant can request a hearing to establish whether the fines and costs in a particular case impose an undue hardship on him. [Tex. Code Crim. Pro. Art. 43.035] Under CCP Art. 102.073, when the State tries a defendant in a single criminal action for multiple offenses, a court may assess fees and costs against a defendant only for the offense of the highest category.

### **Summary**

There are potential grounds for appeal or post-judgment relief in cases involving multiple offenses. Specifically, if the defendant was tried for multiple offenses in a single action, the court should only assess fees and costs for the highest category offense. Additionally, if the fines and costs impose an undue hardship, the defendant can request a hearing to address this issue. These insights suggest potential avenues for challenging the judgments or seeking relief, even after fines have been paid.

## [Restricted Appeals In Texas](#)

### **Extract**

A restricted appeal is a direct attack on a judgment. To be entitled to a restricted appeal, an appellant must demonstrate several elements described below. What is necessary to bring a restricted appeal in a Texas court? To attack a trial court's judgment by restricted appeal, a party must show that: \* a notice of appeal was filed within six months of the date that the complained-of judgment was signed; \* the filer was a party to the suit that did not participate in the hearing that resulted in the judgment or order; \* the party did not timely file a post-judgment motion, request findings of fact and conclusions of law, or file a notice of appeal within the time permitted under Texas Rule of Appellate Procedure 26.1(a); and \* the complained-of error is apparent from the face of the record. These requirements are jurisdictional. And if they are not met, a party cannot obtain relief by way of a restricted appeal.

### **Summary**

A restricted appeal in Texas is a direct attack on a judgment, and to pursue it, certain jurisdictional requirements must be met. These include filing a notice of appeal within six months of the judgment, not participating in the hearing that resulted in the judgment, not filing a post-judgment motion or

notice of appeal within the permitted time, and showing that the error is apparent from the face of the record. These requirements are crucial for the court to have jurisdiction over the restricted appeal.

## [Restricted Appeals In Texas](#)

### **Extract**

A restricted appeal is a direct attack on a judgment. To be entitled to a restricted appeal, an appellant must demonstrate several elements described below. What is necessary to bring a restricted appeal in a Texas court? To attack a trial court's judgment by restricted appeal, a party must show that: \* a notice of appeal was filed within six months of the date that the complained-of judgment was signed; \* the filer was a party to the suit that did not participate in the hearing that resulted in the judgment or order; \* the party did not timely file a post-judgment motion, request findings of fact and conclusions of law, or file a notice of appeal within the time permitted under Texas Rule of Appellate Procedure 26.1(a); and \* the complained-of error is apparent from the face of the record. These requirements are jurisdictional. And if they are not met, a party cannot obtain relief by way of a restricted appeal.

### **Summary**

A restricted appeal in Texas is a direct attack on a judgment. To pursue a restricted appeal, the appellant must meet specific jurisdictional requirements, including filing a notice of appeal within six months of the judgment, not participating in the hearing, and not filing a timely post-judgment motion or notice of appeal. Additionally, the error must be apparent from the face of the record. These requirements are crucial for the court to have jurisdiction over the restricted appeal.

This memo was compiled by Vincent AI based on vLex materials available as of June 24, 2025. [View full answer on vLex](#)