

TEXAS COURT OF APPEALS, SECOND APPELLATE DISTRICT, FORT
WORTH

Ex parte Bessie Tekila Martin

Nos. 02-25-00382-CR, 02-25-00383-CR (Tex. App.—Fort Worth Feb. 5, 2026) · No. Nos. 02-25-00382-CR, 02-25-00383-CR · Decided February 5, 2026

SUMMARY

The Texas Court of Appeals, Second Appellate District, reviews Bessie Tekila Martin’s appeal from the denial of a pretrial application for writ of habeas corpus. Martin argues that prosecution in Parker County is barred by double jeopardy and Texas Penal Code section 12.45 because a Tarrant County court allegedly considered the same unadjudicated offenses when adjudicating her guilt and imposing sentence. The court concludes that the record is insufficient to determine whether the offenses were taken into account or whether the required prosecutorial permission was obtained, and remands for further development of the record.

CASE DETAILS

COURT	Texas Court of Appeals, Second Appellate District, Fort Worth
WRITING FOR THE COURT	Dabney Bassel; Sudderth, Chief Justice; Bassel, Justice; Walker, Justice
JURISDICTION	Texas Court of Appeals, Second Appellate District, Fort Worth
DECIDED	February 5, 2026
DOCKET	Nos. 02-25-00382-CR, 02-25-00383-CR
DISPOSITION	remanded
PROCEDURAL POSTURE	Appellant brought an interlocutory appeal from the denial of a pretrial application for a writ of habeas corpus asserting that further prosecution of Parker County offenses was barred under Texas Penal Code section 12.45 and the Double Jeopardy Clause.
STANDARD OF REVIEW	A pretrial habeas ruling is reviewed for abuse of discretion. Historical facts supported by the record and application-of-law-to-fact questions dependent on credibility and demeanor receive deference; ultimate questions involving application of legal standards are reviewed de novo. The judgment may be upheld on any theory of law applicable to the case.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Bessie Tekila Martin v. Parker County

TOPICS

habeas corpus

double jeopardy

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

habeas corpus

double jeopardy

appellate procedure

QUESTIONS PRESENTED

1. Whether Martin's double-jeopardy claim based on Texas Penal Code section 12.45 was cognizable through a pretrial writ of habeas corpus.
2. Whether the existing record established that the Tarrant County court took the Parker County offenses into account in sentencing Martin under section 12.45.
3. Whether the record established that the Tarrant County court obtained the permission required by section 12.45(b) before taking into account offenses over which another county allegedly had exclusive venue.
4. Whether the record established that Tarrant County had venue for the Parker County offenses.

HOLDINGS

1. A double-jeopardy claim may be raised through a pretrial application for a writ of habeas corpus.
2. The existing record was inadequate to determine whether the Tarrant County court took the Parker County offenses into account under section 12.45 or whether Martin's further prosecution was barred.
3. Martin, as the habeas applicant, bore the burden to establish that the Tarrant County court obtained the permission required by section 12.45(b); the silent record did not support presuming that permission was obtained.
4. The existing record was inadequate to determine whether Tarrant County had venue for the offenses based on the locations where the debit card was allegedly used.

KEY QUOTATIONS

"We are not remanding this matter based on a present conclusion that the Parker County court committed error in denying Appellant's application for a writ of habeas corpus. Instead, we do so because the record before us currently constitutes smoke rather than fire, but Appellant presents legal arguments that, if they are supported by facts, should be answered." (at 24-25)

FACTUAL BACKGROUND

Martin was placed on deferred-adjudication community supervision in Tarrant County for credit-card or debit-card abuse against an elderly individual. After alleged January 2024 debit-card transactions and a Parker County indictment, she pleaded true in the Tarrant County adjudication proceedings and signed language admitting guilt to unadjudicated offenses under Texas Penal Code section 12.45. The Tarrant County court adjudicated her guilt

and imposed two days in county jail under section 12.44(a). Martin argued that the Parker County prosecutions were barred because those offenses had been taken into account in Tarrant County, but the appellate record did not establish what the amended motion alleged, what the Tarrant County court considered, whether Parker County permission was obtained, or where the relevant transactions occurred.

PROCEDURAL HISTORY

Martin was placed on deferred-adjudication community supervision in Tarrant County. After Parker County indicted her for two credit-card-or-debit-card-abuse offenses, the Tarrant County court adjudicated her guilt and imposed a two-day sentence. Martin then filed a pretrial habeas application in Parker County, which denied relief after a non-evidentiary hearing. The court of appeals remanded to permit development of a factual record concerning the offenses alleged in the amended Tarrant County motion to adjudicate, whether those offenses were taken into account, whether required prosecutorial permission was obtained, and whether Tarrant County had venue.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand for a fuller hearing and development of a record concerning the contents of the amended Tarrant County motion to adjudicate, the offenses Martin admitted and the Tarrant County court allegedly took into account, whether the required permission under section 12.45(b) was obtained, and facts establishing whether Tarrant County had venue.

CASES CITED

- Ex parte Beck, 541 S.W.3d 846, 852 (Tex. Crim. App. 2017)
- Ex parte Perry, 483 S.W.3d 884, 895 (Tex. Crim. App. 2016)
- Ex parte Weise, 55 S.W.3d 617, 620 (Tex. Crim. App. 2001)
- Ex parte Todman, Nos. 02-23-00061-CR through 02-23-00064-CR, 2023 WL 4942026, at *4 (Tex. App.—Fort Worth Aug. 3, 2023, no pet.)
- Ex parte Wheeler, 203 S.W.3d 317, 324 (Tex. Crim. App. 2006)
- Montgomery v. State, 810 S.W.2d 372, 380 (Tex. Crim. App. 1990)
- Ex parte Darnell, Nos. 02-19-00390-CR, 02-19-00391-CR, 2020 WL 5949928, at *7 (Tex. App.—Fort Worth Oct. 8, 2020, pet. ref'd)
- Ex parte Chandler, 182 S.W.3d 350, 353 n.2 (Tex. Crim. App. 2006)
- Alford v. State, 358 S.W.3d 647, 652-53 (Tex. Crim. App. 2012)
- Ex parte Taylor, 36 S.W.3d 883, 886 (Tex. Crim. App. 2001)
- Ward v. State, 662 S.W.3d 415, 416 (Tex. Crim. App. 2023)
- Ex parte Meltzer, 180 S.W.3d 252, 255 (Tex. App.—Fort Worth 2005, no pet.)

- Dooley v. State, No. 05-01-01914-CR, 2002 WL 31312502, at *1 (Tex. App.—Dallas Oct. 16, 2002, pets. ref'd)
- Ex parte Butler, No. 10-13-00362-CR, 2014 WL 2466564, at *4 (Tex. App.—Waco May 29, 2014, pet. ref'd)
- Swinnie v. State, No. 05-08-01076-CR, 2009 WL 1981849, at *4 (Tex. App.—Dallas July 10, 2009, pet. ref'd)
- Escobedo v. State, 643 S.W.2d 243, 246 (Tex. App.—Austin 1982, no pet.)
- Smith v. State, 620 S.W.3d 445, 457 (Tex. App.—Dallas 2020, no pet.)
- Lincoln v. State, 307 S.W.3d 921, 922 (Tex. App.—Dallas 2010, no pet.)
- Breazeale v. State, 683 S.W.2d 446, 450-51 (Tex. Crim. App. 1984)
- Murphy v. State, 95 S.W.3d 317, 320 (Tex. App.—Houston [1st Dist.] 2002, pet. ref'd)
- Light v. State, 15 S.W.3d 104, 107 (Tex. Crim. App. 2000)
- Vaccaro v. Raymond James & Assocs., 655 S.W.3d 485, 491-92 (Tex. App.—Fort Worth 2022, no pet.)
- Ringer v. State, 121 S.W.2d 364, 366 (Tex. Crim. App. 1938)
- Parr v. State, 299 S.W.2d 940, 941 (Tex. Crim. App. 1957)

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