

COURT OF APPEALS FOR THE EIGHTH DISTRICT OF TEXAS, EL PASO

The State of Texas v. Daniel Alexander Pereira

Pereira · No. 08-24-00206-CR · Decided February 18, 2026

SUMMARY

The Eighth District Court of Appeals of Texas considers the State’s appeal from a county court order dismissing a misdemeanor indictment charging Daniel Alexander Pereira with participating in a riot. The court concludes that the indictment was not properly transferred from the district court to the county court, so the county court’s jurisdiction was not properly invoked and dismissal was proper. The court also denies Pereira’s request for sanctions against the State and individual prosecutors.

CASE DETAILS

COURT	Court of Appeals for the Eighth District of Texas, El Paso
WRITING FOR THE COURT	Per curiam; Barajas, C.J. (Ret.), sitting by assignment; Palafox, J.; Soto, J.
JURISDICTION	Court of Appeals for the Eighth District of Texas
DECIDED	February 18, 2026
DOCKET	08-24-00206-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the El Paso County Court at Law No. 7's order dismissing a misdemeanor indictment for lack of properly invoked jurisdiction. Pereira moved to abate the appeal because the clerk's record had been altered, and later sought sanctions against the State and individual prosecutors.
STANDARD OF REVIEW	Dismissal of an indictment is reviewed under a bifurcated standard: almost total deference is given to supported factual findings and credibility-dependent mixed questions, while pure questions of law and mixed questions not dependent on credibility are reviewed de novo. The adequacy of the transfer and invocation of jurisdiction presented legal and non-credibility-dependent mixed questions reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	The State of Texas v. Daniel Alexander Pereira

TOPICS

criminal procedure

appellate procedure

appellate jurisdiction

standard of review

preservation of error

PRACTICE AREAS

criminal procedure

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QUESTIONS PRESENTED

1. Whether the district court's certification and transfer order properly transferred Pereira's misdemeanor indictment to the county court and invoked the county court's jurisdiction.
2. Whether the county court erred by treating the transfer order as a one-page document without an attached exhibit despite the later-filed true-bill list in the appellate record.
3. Whether the proper remedy for the defective or nonexistent transfer was dismissal or transfer of the case back to the district court.
4. Whether Pereira established entitlement to sanctions, dismissal with prejudice, attorney's fees, or other sanctions against the State and its prosecutors.

HOLDINGS

1. The one-page certification and transfer order did not identify or transfer Pereira's case to the county court and therefore did not invoke the county court's jurisdiction.
2. The true-bill list did not cure the defective transfer because it did not purport to be a transfer order, did not identify a district-court case against Pereira, and identified a different county-court cause number.
3. Dismissal was the proper remedy because the county court's jurisdiction was never properly invoked and the county court lacked authority to transfer the case back to the district court.
4. Pereira failed to establish entitlement to dismissal with prejudice, attorney's fees, or other sanctions against the State or its prosecutors.

KEY QUOTATIONS

"The transfer order filed in the county court, which purported to transfer a group of misdemeanor cases to the county court, did not provide a cause number or a district clerk's file number to identify Pereira's indictment, did not provide "a sufficient description and identification of" Pereira's case to identify it as a case to be transferred, and did not, in fact, provide any information that would have allowed the district court clerk to identify his case as one of the cases to be transferred or that would have enabled the county court to determine that Pereira's case had been ordered transferred to the county court." (at 27)

"Here, the State has not identified a source of jurisdiction that would authorize the county court to transfer the indictment back to the "grand-jury judge or court" under the circumstances of this case, nor are we aware of any." (at 32-33)

"We affirm the county court's order dismissing Pereira's case. We deny Pereira's motion for sanctions against the State." (at 37)

FACTUAL BACKGROUND

An El Paso County district-court grand jury returned an indictment charging Pereira with the Class B misdemeanor offense of participating in a riot. The indictment was filed in the county clerk's office with a county-court cause number, but the district clerk did not open a district-court case or assign a district-court file number. A district judge signed a one-page certification and transfer order referring to an attached charging-instrument report, but the record established that no exhibit was attached when the order was filed and that the referenced true-bill list did not identify Pereira's case by the applicable cause number. County-clerk personnel later inserted the true-bill list into the file without court authorization, after which the county court dismissed the case for lack of jurisdiction.

PROCEDURAL HISTORY

A grand jury empaneled by an El Paso County district court returned an indictment charging Pereira with misdemeanor riot participation. The county court dismissed the indictment after determining that the district court's transfer order did not properly identify or transfer Pereira's case. The Court of Appeals abated the appeal for an evidentiary hearing concerning the accuracy of the clerk's record, affirmed the dismissal, and denied Pereira's sanctions motions.

DISPOSITION

affirmed

CASES CITED

- State v. Krizan-Wilson, 354 S.W.3d 808, 815 (Tex. Crim. App. 2011)
- State v. Moff, 154 S.W.3d 599, 601 (Tex. Crim. App. 2004)
- State v. Barrera, 722 S.W.3d 894, 905-16 (Tex. App.—El Paso 2025, pet. filed)
- State v. Dunbar, 297 S.W.3d 777, 780 (Tex. Crim. App. 2009)
- Dears v. State, 154 S.W.3d 610, 612 (Tex. Crim. App. 2005)
- Jenkins v. State, 592 S.W.3d 894, 898 (Tex. Crim. App. 2018)
- Trejo v. State, 280 S.W.3d 258, 260, 263 (Tex. Crim. App. 2009)
- Ex parte Moss, 446 S.W.3d 786, 788 (Tex. Crim. App. 2014)
- Ex parte Caldwell, 383 S.W.2d 587, 589 (Tex. Crim. App. 1964)
- State v. Olsen, 360 S.W.2d 398, 400 (Tex. 1962), overruled on other grounds by Jackson v. State, 548 S.W.2d 685, 690 n.1 (Tex. Crim. App. 1977)
- Garcia v. Dial, 596 S.W.2d 524, 527-29 & n.5 (Tex. Crim. App. 1980)
- Hullum v. State, 415 S.W.2d 192, 195 (Tex. Crim. App. 1966)
- Quarles v. State, 385 S.W.2d 395, 396 (Tex. Crim. App. 1964)
- Coker v. State, 7 Tex. Ct. App. 83, 85 (1879)
- Austin v. State, 70 S.W. 724, 725 (Tex. Crim. App. 1897)
- Hyatt v. State, 135 S.W. 142, 142 (Tex. Crim. App. 1911)

- *Lynn v. State*, 13 S.W. 867, 868 (Tex. Crim. App. 1890)
- *Dittforth v. State*, 80 S.W. 628, 628 (Tex. Crim. App. 1904)
- *Horton v. State*, 20 S.W.2d 1111, 1111 (Tex. Crim. App. 1929) (per curiam)
- *Bird v. State*, 91 S.W. 791, 791 (Tex. Crim. App. 1906)
- *Warner v. Glass*, 135 S.W.3d 681, 684 (Tex. 2004)
- *Standard Fire Ins. Co. v. LaCoke*, 585 S.W.2d 678, 680-81 (Tex. 1979)
- *State v. Wachtendorf*, 475 S.W.3d 895, 901 (Tex. Crim. App. 2015)
- *Stansberry v. State*, 239 S.W.3d 260, 261, 263 (Tex. Crim. App. 2007)
- *McCloud v. State*, 527 S.W.2d 885, 887 (Tex. Crim. App. 1975)
- *Light v. State*, 15 S.W.3d 104, 107 (Tex. Crim. App. 2000) (en banc)
- *Breazeale v. State*, 683 S.W.2d 446, 450 (Tex. Crim. App. 1984) (en banc)
- *Amador v. State*, 221 S.W.3d 666, 676-77 (Tex. Crim. App. 2007)
- *Whitehead v. State*, 130 S.W.3d 866, 872 (Tex. Crim. App. 2004)
- *Solomon v. State*, 49 S.W.3d 356, 365 (Tex. Crim. App. 2001)
- *State v. Patrick*, 86 S.W.3d 592, 595 (Tex. Crim. App. 2002)
- *Ex parte Jones*, 682 S.W.2d 311, 312-13 (Tex. Crim. App. 1984) (en banc)
- *Harris v. State*, 565 S.W.2d 66, 66-68 (Tex. Crim. App. 1978) (en banc)
- *Wilkins v. State*, 5 S.W.2d 770, 770 (Tex. Crim. App. 1928)
- *State v. Terrazas*, 962 S.W.2d 38, 40-44 (Tex. Crim. App. 1998) (en banc)
- *State v. Rodriguez-Gomez*, 716 S.W.3d 702, 713 (Tex. App.—San Antonio 2024, no pet.)
- *State v. Johnson*, 821 S.W.2d 609, 613-14 (Tex. Crim. App. 1991) (en banc)
- *Solomon v. Buckle*, 695 S.W.3d 664, 675 (Tex. App.—Houston [1st Dist.] 2024)
- *Bell v. State*, 90 S.W.3d 301, 305 (Tex. Crim. App. 2002) (en banc)
- *Rocha v. State*, 16 S.W.3d 1, 20 (Tex. Crim. App. 2000)
- *Wyatt v. State*, 23 S.W.3d 18, 23 n.5 (Tex. Crim. App. 2000)

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