

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

The State of Texas v. Wilson Salvado Palencia

Palencia · No. 08-24-00171-CR · Decided February 18, 2026

SUMMARY

The Eighth District Court of Appeals of Texas affirms the dismissal of a misdemeanor indictment against Wilson Salvado Palencia for 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. The court also denies sanctions against the State and individual prosecutors, finding that the alleged conduct did not rise to the level of egregious bad faith warranting sanctions.

CASE DETAILS

COURT	Court of Appeals for the Eighth District of Texas, El Paso
WRITING FOR THE COURT	Palafox, J.; Soto, J.; Barajas, C.J. (Ret.), sitting by assignment
JURISDICTION	Court of Appeals for the Eighth District of Texas, El Paso
DECIDED	February 18, 2026
DOCKET	08-24-00171-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. Palencia moved for sanctions based on alleged misconduct concerning the trial-court file, appellate record, and appellate briefing.
STANDARD OF REVIEW	Dismissal of an indictment is reviewed under a bifurcated standard: the appellate court gives almost total deference to supported factual findings and credibility-dependent mixed questions, but reviews pure legal questions and mixed questions not dependent on credibility de novo. Because the dismissal here depended on legal and non-credibility-dependent mixed questions, the court applied de novo review.
PRECEDENTIAL VALUE	published
PARTIES	The State of Texas v. Wilson Salvado Palencia

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the district court's certification and transfer order, together with the indictment and true-bill list, properly transferred Palencia's misdemeanor case to the county court and invoked the county court's jurisdiction.
2. Whether the county court should have transferred the case back to the district court rather than dismissing it when the transfer was defective.
3. Whether Palencia established grounds for sanctions, dismissal with prejudice, or attorney's fees based on the State's conduct in the trial court and on appeal.

HOLDINGS

1. The transfer order was a one-page document without an attached exhibit and did not identify Palencia's case by a district-court cause number, file number, or other sufficient description. Because no proper transfer order transferred the case from the district court to the county court, the county court's jurisdiction was not invoked.
2. The county court lacked authority to transfer Palencia's case back to the district court because no case had been successfully transferred to the county court and the district court lacked subject-matter jurisdiction over the misdemeanor offense. Dismissal was the proper remedy.
3. Palencia failed to establish entitlement to sanctions, dismissal with prejudice, or attorney's fees. The court denied his motions for sanctions.

KEY QUOTATIONS

“For the reasons described below, we conclude this indicted misdemeanor case was not properly transferred from a district court to the county court, the county court’s jurisdiction was not properly invoked, and the county court properly dismissed the case.” (at 2)

“We therefore conclude that the county court did not err by finding that the transfer order was a one-page document, that the one-page transfer order filed in this case failed to successfully transfer this case to the county court, and that the transfer order failed to invoke the county court’s jurisdiction over the case.” (at 30-31)

“Accordingly, we conclude that the county court lacked jurisdiction to “transfer” Palencia’s case to the district court and that dismissal of his case was therefore the proper remedy.” (at 33)

FACTUAL BACKGROUND

An El Paso County grand jury returned an indictment charging Palencia with the Class B misdemeanor offense of participating in a riot. The indictment lacked a district-court file stamp, district-court cause number, or other indication that it had been filed in the district court. Although a district judge signed an order purporting to transfer misdemeanor indictments to the county courts, the order was filed in the county court as a one-page document without the referenced eight-page charging-instrument exhibit and did not identify Palencia's case. County clerks later inserted a true-bill list into the files after the county court questioned the transfer, but the county court found that modification unauthorized and inaccurate.

PROCEDURAL HISTORY

A grand jury empaneled by an El Paso County district court returned an indictment charging Palencia with participating in a riot, a Class B misdemeanor. A district judge signed a purported certification and transfer order, but the county court later found that the order was only one page, lacked the referenced exhibit identifying the cases to be transferred, and did not transfer Palencia's case. The county court dismissed the indictment. During the appeal, the Court of Appeals abated the case for an evidentiary hearing concerning the accuracy of the clerk's record. After reviewing the supplemental record, the court affirmed the dismissal and denied Palencia's sanctions requests.

DISPOSITION

affirmed

CASES CITED

- State v. Krizan-Wilson, 354 S.W.3d 808 (Tex. Crim. App. 2011)
- State v. Barrera, 722 S.W.3d 894 (Tex. App.—El Paso 2025, pet. filed)
- Dittforth v. State, 80 S.W. 628 (Tex. Crim. App. 1904)
- Horton v. State, 20 S.W.2d 1111 (Tex. Crim. App. 1929) (per curiam)
- State v. Dunbar, 297 S.W.3d 777 (Tex. Crim. App. 2009)
- Trejo v. State, 280 S.W.3d 258 (Tex. Crim. App. 2009)
- Ex parte Moss, 446 S.W.3d 786 (Tex. Crim. App. 2014)
- Garcia v. Dial, 596 S.W.2d 524 (Tex. Crim. App. 1980)
- Ex parte Jones, 682 S.W.2d 311 (Tex. Crim. App. 1984) (en banc)
- Harris v. State, 565 S.W.2d 66 (Tex. Crim. App. 1978) (en banc)
- State v. Terrazas, 962 S.W.2d 38 (Tex. Crim. App. 1998) (en banc)
- State v. Johnson, 821 S.W.2d 609 (Tex. Crim. App. 1991) (en banc)
- Webster v. Commission for Lawyer Discipline, 704 S.W.3d 478 (Tex. 2024)
- Eichelberger v. Eichelberger, 582 S.W.2d 395 (Tex. 1979)
- Brewer v. Lennox Hearth Products, LLC, 601 S.W.3d 704 (Tex. 2020)
- Darnell v. Broberg, 565 S.W.3d 450 (Tex. App.—El Paso 2018, no pet.)
- Low v. Henry, 221 S.W.3d 609 (Tex. 2007)

- Shah v. Maple Energy Holdings, LLC, 2023 WL 4879905 (Tex. App.—El Paso July 31, 2023), supplemented, 676 S.W.3d 820 (Tex. App.—El Paso 2023, pet. denied)
- Amador v. State, 221 S.W.3d 666 (Tex. Crim. App. 2007)
- Whitehead v. State, 130 S.W.3d 866 (Tex. Crim. App. 2004)
- Solomon v. State, 49 S.W.3d 356 (Tex. Crim. App. 2001)
- Ex parte Macias, 541 S.W.3d 782 (Tex. Crim. App. 2017)
- State v. Moff, 154 S.W.3d 599 (Tex. Crim. App. 2004)
- Mungin v. State, 192 S.W.3d 793 (Tex. App.—Houston [1st Dist.] 2006, no pet.)
- Warner v. Glass, 135 S.W.3d 681 (Tex. 2004)
- State v. Wachtendorf, 475 S.W.3d 895 (Tex. Crim. App. 2015)
- Stansberry v. State, 239 S.W.3d 260 (Tex. Crim. App. 2007)

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