

COURT OF APPEALS, EIGHTH DISTRICT OF TEXAS, EL PASO

Devoris Antoine Newson v. The State of Texas

No. 08-25-00330-CR · No. 08-25-00330-CR · Decided April 24, 2026

SUMMARY

The Eighth District Court of Appeals of Texas dismissed Devoris Antoine Newson’s attempted appeal for want of jurisdiction. The court held that no appealable written order denying his pretrial habeas application appeared in the record, the habeas proceeding was moot because the underlying criminal case had been dismissed, and a defendant may not appeal the dismissal of a criminal charge.

CASE DETAILS

COURT	Court of Appeals, Eighth District of Texas, El Paso
WRITING FOR THE COURT	Gina M. Palafox; Soto, J.; Benavides, J. (Senior Judge), sitting by assignment
JURISDICTION	Court of Appeals, Eighth District of Texas
DECIDED	April 24, 2026
DOCKET	08-25-00330-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Newson attempted to appeal the trial court's oral denial of his pretrial application for a writ of habeas corpus. The court of appeals dismissed the appeal for want of jurisdiction.
STANDARD OF REVIEW	The court reviewed its own appellate jurisdiction de novo and dismissed because no appealable written order appeared in the record and the habeas application was moot.
PRECEDENTIAL VALUE	unpublished memorandum opinion; designated Do Not Publish
PARTIES	Devoris Antoine Newson v. The State of Texas

TOPICS

- appellate jurisdiction
- writ of certiorari
- mootness
- appellate procedure
- habeas corpus

PRACTICE AREAS

- criminal appellate procedure
- habeas corpus
- appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an attempted appeal from the trial court's oral denial of a pretrial habeas application when no written order had been signed.
2. Whether the pretrial habeas application became moot after the underlying criminal charge was dismissed and Newson was released from confinement.
3. Whether the notice of appeal could be construed as an appeal from the dismissal of the underlying criminal charge.

HOLDINGS

1. A written trial-court order is a prerequisite to invoking the court of appeals' jurisdiction in a habeas proceeding; an oral pronouncement on the record is not an appealable order.
2. A pretrial habeas application is moot when the underlying offense is dismissed and the applicant is released from confinement on that charge.
3. A criminal defendant may not appeal a trial court's order dismissing a charge against the defendant.

KEY QUOTATIONS

“In a habeas proceeding, “a trial court’s oral pronouncement is not appealable until a written order is signed.”” (at 2)

“A written order is a prerequisite to invoking this Court’s jurisdiction in a habeas proceeding.” (at 2)

“a pretrial application for writ of habeas corpus is rendered moot when the offense for which the applicant was being held is dismissed and the applicant is released from confinement on the charge.” (at 2)

“ “[a] criminal defendant is not permitted to appeal a trial court’s order dismissing a charge against him.”” (at 2)

FACTUAL BACKGROUND

Newson filed a pretrial habeas application while being held on an underlying criminal charge. The trial court orally denied the application, but the record contained no written order ruling on it. After Newson filed the application, the trial court granted the State's motion to dismiss the underlying criminal case, and Newson was released from confinement on that charge.

PROCEDURAL HISTORY

Newson filed a pretrial application for writ of habeas corpus on November 7, 2025. He later filed a notice of appeal from the trial court's verbal denial of the application. After the underlying criminal case was dismissed on the State's motion, the court of appeals issued a show-cause order concerning its jurisdiction; Newson did not respond. The court dismissed the appeal and denied any pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Ex parte Perez, No. 14-13-01048-CR, 2014 WL 4416011, at *1 (Tex. App.—Houston [14th Dist.] Sept. 9, 2014, orig. proceeding) (mem. op., not designated for publication)
- State v. Sonavongxay, 407 S.W.3d 252, 258-59 (Tex. Crim. App. 2012)
- State v. Wachtendorf, 475 S.W.3d 895, 904 (Tex. Crim. App. 2015)
- State v. Nassour, 706 S.W.3d 627, 633 (Tex. App.—Austin 2024, pet. dism'd) (per curiam)
- Ex parte Wiley, 949 S.W.2d 3, 4 (Tex. App.—Fort Worth 1996, no writ)
- Ex parte Davis, No. 12-20-00141-CR, 2020 WL 6164465, at *1-2 (Tex. App.—Tyler Oct. 21, 2020, no pet.) (mem. op., not designated for publication)
- Ex parte Huerta, 582 S.W.3d 407, 410-11 (Tex. App.—Amarillo 2018, pet. ref'd)
- Kozitzki v. State, No. 04-23-00511-CR, 2023 WL 3856707, at *1 (Tex. App.—San Antonio June 7, 2023, no pet.) (mem. op., not designated for publication) (per curiam)
- Bohannon v. State, 352 S.W.3d 47, 48 (Tex. App.—Fort Worth 2011, pet. ref'd)
- Petty v. State, 800 S.W.2d 582, 583-84 (Tex. App.—Tyler 1990, no pet.) (per curiam)

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