

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re Rebel Hayz Breaux

No. 09-26-00148-CR · No. 09-26-00148-CR · Decided May 21, 2026

SUMMARY

The Ninth Court of Appeals of Texas conditionally granted in part Rebel Hayz Breaux’s petition for a writ of mandamus. The court directed the trial court to vacate its order denying Breaux’s article 11.09 habeas application and reconsider the application because Breaux sufficiently alleged a continuing restraint arising from a lifetime federal firearm prohibition. The court denied relief concerning an asserted ministerial duty to issue the writ, conduct an evidentiary hearing, decide the constitutional claims, or rule on appointment of counsel.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Per Curiam; Golemon, C.J.; Wright, J.; Chambers, J.
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	May 21, 2026
DOCKET	09-26-00148-CR
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original mandamus proceeding arising from the trial court's denial of Breaux's article 11.09 application for a writ of habeas corpus.
STANDARD OF REVIEW	Mandamus relief in a criminal case requires the relator to show that he lacks an adequate remedy at law and that the requested action is ministerial and involves no discretion. The court reviewed the trial court's denial for abuse of discretion in determining whether the alleged collateral consequences constituted restraint.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Rebel Hayz Breaux, Relator v. The State of Texas

TOPICS

- habeas corpus
- criminal procedure
- appellate procedure
- post-conviction relief
- right to counsel

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether alleged collateral consequences of a discharged conviction, including a lifetime federal firearm prohibition, constitute a restraint sufficient to require consideration of an article 11.09 habeas application.
2. Whether the trial court had a ministerial duty to issue the writ, conduct an evidentiary hearing, rule on the merits of Breaux's constitutional claims, or rule on his motion for appointment of counsel.
3. Whether Breaux's application satisfied article 11.14's oath and verification requirement.

HOLDINGS

1. An allegation that a misdemeanor domestic-violence conviction subjects the applicant to a lifetime federal firearm prohibition sufficiently pleads a current restraint on liberty through a collateral consequence. The trial court therefore abused its discretion by denying the article 11.09 application on the ground that Breaux's sentence had been discharged and he was not restrained.
2. Breaux did not establish a ministerial duty requiring the trial court to issue the writ, conduct an evidentiary hearing, rule on the merits of his constitutional claims, or rule on his motion for appointment of counsel.
3. Article 11.14's application requirements are not jurisdictional, although a habeas court may exercise discretion to deny a defective application.

KEY QUOTATIONS

“‘Verifying’ a document, in the legal sense, is swearing to it. ‘Signing’ a document with a ‘/s/’ signature or applying a ‘plain’ electronic signature (that anyone could insert) does not rise to the level of ‘swearing to’ implied by our verification requirements.” (at 5)

FACTUAL BACKGROUND

Breaux pleaded guilty on August 19, 2024, and was convicted of a lesser included offense of assault family violence. Although he later discharged his sentence, he alleged that the conviction continued to restrain his liberty through a lifetime federal firearm prohibition and a final protective order. His article 11.09 application challenged the conviction based on ineffective assistance of counsel, involuntariness of his guilty plea, and actual innocence, but the application included an unsworn declaration bearing only a "/s/" signature.

PROCEDURAL HISTORY

Breaux pleaded guilty to and was convicted of a lesser included offense of assault family violence in the 163rd District Court of Orange County. After his sentence was discharged, he filed successive article 11.09 habeas applications alleging collateral restraints, including a lifetime federal firearm prohibition and a protective order. The trial court denied the second application on the ground that Breaux was not restrained, and the court of appeals dismissed his appeal for lack of jurisdiction. Breaux then sought mandamus relief, which the court conditionally granted in part.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Following issuance of the mandate in Appeal Number 09-25-00322-CR, the trial court should vacate its August 27, 2025 order and reconsider Breaux's article 11.09 application. The writ will issue only if the trial court fails to comply. All other requested mandamus relief was denied.

CASES CITED

- Ex parte Breaux, No. 09-25-00117-CR, 2025 WL 1450715, at *1 (Tex. App.—Beaumont May 21, 2025, no pet.) (mem. op., not designated for publication)
- Ex parte Breaux, No. 09-25-00322-CR, 2026 WL 916592, at *1 (Tex. App.—Beaumont Apr. 1, 2026, no pet. h.)
- In re State ex rel. Best, 616 S.W.3d 594, 599 (Tex. Crim. App. 2021) (orig. proceeding)
- In re A.R.C., 685 S.W.3d 80, 83 (Tex. 2024)
- Ex parte Oliver, No. 05-09-00611-CR, 2009 WL 3210710, at **2-3 (Tex. App.—Dallas Sept. 21, 2009, pet. ref'd) (mem. op., not designated for publication)
- Ex parte Golden, 991 S.W.2d 859, 861-62 & n.2 (Tex. Crim. App. 1999)
- Ex parte Russell, 714 S.W.3d 638, 639-40 (Tex. Crim. App. 2025)