

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

The State of Texas v. Rafael Angel Gonzalez Fernandez

No. 08-24-00159-CR (Tex. App.—El Paso Feb. 18, 2026) · No. 08-24-00159-CR · Decided February 18, 2026

SUMMARY

The Eighth Court of Appeals of Texas affirmed the dismissal of a misdemeanor indictment against Rafael Angel Gonzalez Fernandez, concluding that the indictment was not properly transferred from the district court to the county court and that the county court’s jurisdiction was not properly invoked. The court also denied requests for sanctions against the State and individual prosecutors. A concurring opinion addressed the court’s inherent authority to sanction prosecutors but concluded that the conduct at issue was not sufficiently egregious or in bad faith to warrant sanctions.

CASE DETAILS

COURT	Court of Appeals for the Eighth District of Texas, El Paso
WRITING FOR THE COURT	Per curiam; 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	08-24-00159-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the El Paso County Court at Law No. 7's dismissal of a misdemeanor indictment for lack of properly invoked jurisdiction. During the appeal, the appellate court abated the case for an evidentiary hearing concerning the accuracy of the clerk's record. The court affirmed the dismissal and denied the appellee's motions for sanctions.
STANDARD OF REVIEW	Dismissal of an indictment is reviewed under a bifurcated standard: factual findings supported by the record and mixed questions dependent on witness credibility receive almost total deference, while pure legal questions and mixed questions not dependent on credibility are reviewed de novo. Because the county court's dismissal turned on legal and non-credibility-dependent mixed questions, the court reviewed the issue de novo.

PRECEDENTIAL VALUE	Published opinion; precedential under applicable Texas appellate rules, with a separate concurring opinion regarding sanctions.
PARTIES	The State of Texas v. Rafael Angel Gonzalez Fernandez

TOPICS

criminal procedure appellate procedure appellate jurisdiction remedies standard of review

PRACTICE AREAS

Texas criminal procedure appellate procedure criminal jurisdiction sanctions and litigation conduct

QUESTIONS PRESENTED

1. Whether the district court's certification and transfer order properly transferred Gonzalez Fernandez's indicted 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 record did not establish a valid transfer.
3. Whether the appellee 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 one-page transfer order, without an attached exhibit, did not sufficiently identify or transfer Gonzalez Fernandez's case to the county court and therefore did not invoke the county court's jurisdiction.
2. The county court lacked authority to transfer the case back to the district court, and dismissal was the proper remedy because the county court's jurisdiction had never been properly invoked.
3. The appellee failed to establish entitlement to dismissal with prejudice, attorney's fees, or other sanctions against the State or individual prosecutors.
4. The appellate court accepted the county court's findings concerning the inaccurate record and treated the transfer order as a one-page document without an attached exhibit.

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)

"The transfer order is "essential to the jurisdiction of the" county court." (at 19)

"We therefore conclude that the State failed to establish that this case was properly transferred from a district court to the county court, and that the county court properly found that its jurisdiction was not invoked in this case." (at 30)

“Thus, if a court lacks jurisdiction, “it has no authority to render any judgment other than one of dismissal.”” (at 33)

“Sanctions should only be assessed ‘in those egregious situations where the worst of the bar uses our honored system for ill motive without regard to reason and the guiding principles of the law.’” (concurrence at 3)

FACTUAL BACKGROUND

An El Paso County district-court grand jury returned an indictment charging Gonzalez Fernandez with the Class B misdemeanor of participating in a riot. The indictment was filed in the county clerk's office with a handwritten county-court cause number, but the district clerk did not open a district-court case or assign a district-court file number. The district court's purported transfer order did not identify Gonzalez Fernandez's case by a district-court cause number or other sufficient identifying information, and the true-bill list identified a different county-court cause number. After the county clerk's office later inserted the true-bill list into the file without court authorization or notice, the county court found that the transfer order had originally been a one-page document without an attachment and dismissed the case.

PROCEDURAL HISTORY

An El Paso County district-court grand jury returned an indictment charging Gonzalez Fernandez with participating in a riot, a Class B misdemeanor. A district court issued a general certification and transfer order, but the order in the trial-court record was a one-page document without an attached exhibit identifying the cases to be transferred. The county court dismissed the indictment for lack of jurisdiction. After the State appealed, the Court of Appeals abated the appeal for findings concerning alterations to the clerk's record. Following the abatement hearing and supplemental briefing, the Court affirmed the dismissal and denied sanctions.

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)
- Trejo v. State, 280 S.W.3d 258, 260 (Tex. Crim. App. 2009)
- Dittforth v. State, 80 S.W. 628, 628 (Tex. Crim. App. 1904)
- Lynn v. State, 13 S.W. 867, 868 (Tex. Crim. App. 1890)
- Horton v. State, 20 S.W.2d 1111, 1111 (Tex. Crim. App. 1929) (per curiam)
- Austin v. State, 70 S.W. 724, 725 (Tex. Crim. App. 1897)
- Bird v. State, 91 S.W. 791, 791 (Tex. Crim. App. 1906)
- State v. Terrazas, 962 S.W.2d 38, 40-42 (Tex. Crim. App. 1998) (en banc)

- Webster v. Commission for Lawyer Discipline, 704 S.W.3d 478, 491, 496-97, 505 (Tex. 2024)
- Darnell v. Broberg, 565 S.W.3d 450, 459-60 (Tex. App.—El Paso 2018, no pet.)
- Low v. Henry, 221 S.W.3d 609, 614 (Tex. 2007)
- Shah v. Maple Energy Holdings, LLC, 2023 WL 4879905, at *17-18 (Tex. App.—El Paso July 31, 2023), supplemented, 676 S.W.3d 820 (Tex. App.—El Paso 2023, pet. denied)
- Brewer v. Lennox Hearth Prods., LLC, 601 S.W.3d 704, 716, 723 n.76 (Tex. 2020)
- 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)
- State v. Patrick, 86 S.W.3d 592, 595 (Tex. Crim. App. 2002)
- Ex parte Caldwell, 383 S.W.2d 587, 589 (Tex. Crim. App. 1964)
- Garcia v. Dial, 596 S.W.2d 524, 528 n.5, 529 (Tex. Crim. App. 1980)
- Amador v. State, 221 S.W.3d 666, 676-77 (Tex. Crim. App. 2007)
- Breazeale v. State, 683 S.W.2d 446, 450 (Tex. Crim. App. 1984) (en banc)
- State v. Johnson, 821 S.W.2d 609, 613-14 (Tex. Crim. App. 1991) (en banc)
- House v. State, 947 S.W.2d 251, 252-53 (Tex. Crim. App. 1997)
- Blair v. Blair, 642 S.W.3d 150, 162 (Tex. App.—El Paso 2021, no pet.)