

COURT OF APPEALS FOR THE EIGHTH DISTRICT OF TEXAS

The State of Texas v. Jelkel Michel Hernandez

No. 08-24-00189-CR (Tex. App.—El Paso Feb. 18, 2026) · No. 08-24-00189-CR · Decided February 18, 2026

SUMMARY

The Eighth District Court of Appeals of Texas affirms the dismissal of a misdemeanor indictment against Jelkel Michel Hernandez because the indictment was not properly transferred from the district court to the county court and the county court’s jurisdiction was not properly invoked. The court denies Hernandez’s request for sanctions against the State and individual prosecutors. Justice Soto files a concurring opinion explaining that, although the court possesses inherent authority to sanction prosecutors for egregious bad-faith conduct, sanctions are not warranted on this record.

CASE DETAILS

COURT	Court of Appeals for the Eighth District of Texas
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	08-24-00189-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. Hernandez moved for sanctions based on alleged prosecutorial misconduct and inaccuracies in the appellate record and briefing.
STANDARD OF REVIEW	Dismissal of an indictment is reviewed under a bifurcated standard: the appellate court gives almost total deference to supported findings of fact and credibility-dependent mixed questions, but reviews pure legal questions and mixed questions not dependent on credibility 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 opinion; precedential under applicable Texas appellate rules.
PARTIES	The State of Texas v. Jelkel Michel Hernandez

TOPICS

criminal procedure

appellate procedure

appellate jurisdiction

remedies

standard of review

PRACTICE AREAS

Texas criminal procedure

appellate procedure

subject-matter jurisdiction

indictment transfer

appellate sanctions

QUESTIONS PRESENTED

1. Whether the district court's certification and transfer order properly transferred Hernandez's indicted misdemeanor case to the county court and invoked the county court's jurisdiction.
2. Whether the county court erred by dismissing the indictment rather than transferring the case back to the district court.
3. Whether Hernandez 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 properly treated as a one-page document with no attached exhibit. It did not identify Hernandez's case or otherwise provide a sufficient description and identification of a district-court cause to be transferred, so it did not transfer the case or invoke the county court's jurisdiction.
2. Because the county court never acquired jurisdiction over the case, it lacked authority to transfer the indictment back to the district court. Dismissal was the proper remedy.
3. Hernandez failed to establish a legal basis for sanctions, dismissal with prejudice, or attorney's fees against the State or its prosecutors, and the court denied the sanctions motions.

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." (2)

"Accordingly, we conclude that the county court lacked jurisdiction to "transfer" Hernandez's case to the district court and that dismissal of his case was therefore the proper remedy." (33)

"We affirm the county court's order dismissing Hernandez's case. We deny Hernandez's motion for sanctions against the State." (38)

FACTUAL BACKGROUND

An El Paso County grand jury returned an indictment charging Hernandez with the Class B misdemeanor offense of participating in a riot. The district court's one-page certification and transfer order referred to an attached eight-page charging-instrument report, but the evidence established that the true-bill list was not attached when the documents reached the county clerk. After the county court dismissed the case, county clerks

added the true-bill list to the file without court authorization or notice, creating an inaccurate appellate record. The State failed to establish that a district-court case had been opened and properly transferred or that the transfer order identified Hernandez's case.

PROCEDURAL HISTORY

An El Paso County grand jury returned an indictment charging Hernandez with participating in a riot. A district court certification and transfer order purported to transfer misdemeanor indictments to the county court, but the county court determined that the order was a one-page document with no attached exhibit and dismissed the case for lack of jurisdiction. The Court of Appeals abated the appeal for an evidentiary hearing concerning the accuracy of the clerk's record, affirmed the dismissal, and denied Hernandez'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. Dunbar, 297 S.W.3d 777, 780 (Tex. Crim. App. 2009)
- Dears v. State, 154 S.W.3d 610, 612 (Tex. Crim. App. 2005)
- State v. Barrera, 722 S.W.3d 894, 905-16 (Tex. App.—El Paso 2025, pet. filed)
- Trejo v. State, 280 S.W.3d 258, 260, 263 (Tex. Crim. App. 2009)
- 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)
- Ex parte Moss, 446 S.W.3d 786, 788 (Tex. Crim. App. 2014)
- Garcia v. Dial, 596 S.W.2d 524, 527-29 (Tex. Crim. App. 1980)
- 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)
- Lynn v. State, 13 S.W. 867, 868 (Tex. Crim. App. 1890)
- Dittforth v. State, 80 S.W. 628, 628 (Tex. Crim. App. 1904)
- 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)
- 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)
- Jamar v. Patterson, 868 S.W.2d 318, 319 (Tex. 1994)

- 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)
- 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)
- 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, 674-75 (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)
- In re State, 605 S.W.3d 721, 722, 725, 728-29 (Tex. App.—Houston [1st Dist.] 2020, orig. proceeding)
- 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.)