

TEXAS COURT OF APPEALS, EIGHTH DISTRICT AT EL PASO

The State of Texas v. Luis Jose Mora

No. 08-24-00176-CR · No. 08-24-00176-CR · Decided February 18, 2026

SUMMARY

The Texas Eighth Court of Appeals considers the State’s appeal from an El Paso County Court at Law order dismissing a misdemeanor indictment against Luis Jose Mora for participating in a riot. The court holds 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 and dismissal was proper. The court also denies Mora’s request for sanctions against the State and individual prosecutors.

CASE DETAILS

COURT	Texas Court of Appeals, Eighth District at El Paso
WRITING FOR THE COURT	Palafox, J.; Soto, J.; Barajas, C.J. (Ret.), sitting by assignment
JURISDICTION	Texas Court of Appeals, Eighth District (El Paso)
DECIDED	February 18, 2026
DOCKET	08-24-00176-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed from the County Court at Law No. 7's order dismissing a misdemeanor indictment for lack of properly invoked jurisdiction. Mora filed motions seeking sanctions against the State and individual prosecutors. The court of appeals affirmed the dismissal and denied sanctions.
STANDARD OF REVIEW	Dismissal of an indictment is reviewed under a bifurcated standard: factual findings and credibility-dependent mixed questions receive almost total deference, while pure legal questions and mixed questions not dependent on credibility are reviewed de novo. The adequacy of the indictment-transfer process and whether jurisdiction was invoked were reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	The State of Texas v. Luis Jose Mora

TOPICS

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appellate procedure

appellate jurisdiction

standard of review

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the district court's one-page certification and transfer order, together with the indictment and true-bill list received by the county clerk, properly transferred Mora's misdemeanor indictment 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 Mora established entitlement to dismissal with prejudice, attorney's fees, or other sanctions against the State and individual prosecutors.

HOLDINGS

1. The transfer order was properly treated as a one-page document without an attached exhibit. Because it did not identify Mora's case by a district-court cause number or otherwise sufficiently describe and identify the case to be transferred, it did not transfer Mora's indictment to the county court or invoke that court's jurisdiction.
2. The county court lacked jurisdiction and authority to transfer Mora's case back to the district court. Because the State failed to establish a valid transfer to the county court, dismissal was the proper remedy.
3. Mora failed to establish entitlement to dismissal with prejudice, attorney's fees, or other sanctions against the State or individual prosecutors.

KEY QUOTATIONS

"We conclude, however, that the county court correctly held that the transfer order was a one-page document that did not transfer this case to the county court and did not invoke the county court's jurisdiction; that this case was not properly transferred to the county court, and the county court's jurisdiction was not invoked over this case, regardless of whether the true-bill list was the exhibit identified in the transfer order, as claimed by the State; and that, because its jurisdiction was not properly invoked, the county court properly dismissed this case." (at 20)

"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 30-31)

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

FACTUAL BACKGROUND

On May 21, 2024, an El Paso County grand jury returned an indictment charging Mora with the Class B misdemeanor of participating in a riot. The indictment bore a county-court cause number but no district-court file number or district-court file stamp. A district-court judge signed a one-page certification and transfer order referring to an eight-page exhibit listing cases to be transferred, but the evidence showed that the true-bill list was not attached, did not identify itself as Exhibit A or a Charging Instrument Report, and did not identify Mora's case by a district-court cause number. County clerks later added the true-bill list to the case file after the dismissal hearing, without court authorization or notice to the defense. The county court dismissed the case for lack of jurisdiction.

PROCEDURAL HISTORY

An El Paso County district-court grand jury returned an indictment charging Mora with misdemeanor riot participation. A district court judge signed a purported certification and transfer order, but the order did not identify Mora's case or include the referenced exhibit. The county court dismissed the indictment because its jurisdiction had not been properly invoked. During the appeal, the court abated the case for an evidentiary hearing concerning the accuracy of the clerk's record; the county court found that the true-bill list had been added to the file after dismissal without court authorization. The court of appeals affirmed and denied Mora'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)
- Jenkins v. State, 592 S.W.3d 894, 898 (Tex. Crim. App. 2019)
- Fairfield v. State, 610 S.W.2d 771, 779 (Tex. Crim. App. 1981)
- Ex parte Moss, 446 S.W.3d 786, 788 (Tex. Crim. App. 2014)
- Trejo v. State, 280 S.W.3d 258, 260 (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)
- Garcia v. Dial, 596 S.W.2d 524, 527-29 (Tex. Crim. App. [Panel Op.] 1980)
- Hullum v. State, 415 S.W.2d 192, 195 (Tex. Crim. App. 1966)
- Quarles v. State, 385 S.W.2d 395, 396 (Tex. Crim. App. 1964)
- Coker v. State, 7 Tex. Ct. App. 83, 85 (1879)
- Austin v. State, 70 S.W. 724, 725 (Tex. Crim. App. 1897)
- Hyatt v. State, 135 S.W. 142, 142 (Tex. Crim. App. 1911)

- *Lynn v. State*, 13 S.W. 867, 868 (Tex. Crim. App. 1890)
- *Dittforth v. State*, 80 S.W. 628, 628 (Tex. Crim. App. 1904)
- *Horton v. State*, 20 S.W.2d 1111, 1111 (Tex. Crim. App. 1929) (per curiam)
- *Bird v. State*, 91 S.W. 791, 791 (Tex. Crim. App. 1906)
- *Warner v. Glass*, 135 S.W.3d 681, 684 (Tex. 2004)
- *Standard Fire Ins. Co. v. LaCoke*, 585 S.W.2d 678, 680 (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)
- *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)
- *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)
- *Wilkins v. State*, 5 S.W.2d 770, 770 (Tex. Crim. App. 1928)
- *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)
- *House v. State*, 947 S.W.2d 251, 252-53 (Tex. Crim. App. 1997)
- *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)