

COURT OF APPEALS, EIGHTH DISTRICT OF TEXAS, EL PASO

The State of Texas v. Luis Ignacio Vasquez

No. 08-24-00197-CR (Tex. App.—El Paso Feb. 18, 2026) · No. 08-24-00197-CR · Decided February 18, 2026

SUMMARY

The Eighth District Court of Appeals considered the State’s appeal from an order dismissing a misdemeanor riot-participation indictment against Luis Ignacio Vasquez. The court held that the indictment was not properly transferred from the district court to the county court, that the county court’s jurisdiction was not properly invoked, and that dismissal was proper. The court affirmed the dismissal and denied sanctions against the State and individual prosecutors; a separate concurring opinion addressed the court’s inherent authority to impose sanctions.

CASE DETAILS

COURT	Court of Appeals, Eighth District of Texas, El Paso
WRITING FOR THE COURT	Per Curiam; Palafox, Justice; Soto, Justice; Barajas, Chief Justice (Ret.), sitting by assignment
JURISDICTION	Court of Appeals, Eighth District of Texas, El Paso
DECIDED	February 18, 2026
DOCKET	08-24-00197-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed from the El Paso County Court at Law No. 7’s order dismissing an indictment charging Vasquez with participating in a riot, a Class B misdemeanor. Vasquez moved for sanctions based on alleged misconduct involving the trial-court file, the appellate record, and the State’s briefing.
STANDARD OF REVIEW	Dismissal of an indictment is reviewed under a bifurcated standard: the appellate court gives almost total deference to supported factual findings and credibility-dependent mixed questions, but reviews pure legal questions and non-credibility-dependent mixed questions 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
PARTIES	The State of Texas v. Luis Ignacio Vasquez

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the county court erred by dismissing the misdemeanor indictment because the State failed to establish a valid transfer from the district court to the county court.
2. Whether the true-bill list and other documents, considered together, sufficiently identified Vasquez's case and invoked the county court's jurisdiction.
3. Whether the county court could transfer the case back to the district court as an alternative to dismissal.
4. Whether Vasquez was entitled to sanctions, dismissal with prejudice, or attorney's fees based on the State's alleged litigation and appellate misconduct.

HOLDINGS

1. The county court correctly treated the transfer order as a one-page document without an attached exhibit. Because the order did not identify Vasquez's district-court cause or otherwise sufficiently identify his case as one ordered transferred, it did not transfer the indictment to the county court or invoke that court's jurisdiction.
2. The State failed to establish that Vasquez's case was properly transferred from a district court to the county court, regardless of whether the true-bill list was the exhibit referenced in the transfer order.
3. The county court lacked authority to transfer Vasquez's case back to the district court, and dismissal was the proper remedy because the county court's jurisdiction had never been properly invoked.
4. Vasquez failed to establish entitlement to sanctions, dismissal with prejudice, or attorney's fees based on the State's conduct in the trial court or on appeal.

KEY QUOTATIONS

"We therefore decline to construe Article 21.30 as granting a court jurisdiction to intentionally transfer a case to a court that lacks subject-matter jurisdiction over the case, and we reject the State's argument that Article 21.30 authorized the county court to transfer Vasquez's case to the district court." (at 30-33)

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

"An attorney's conduct must be egregious to warrant sanctions" (concurring opinion at 2-3)

FACTUAL BACKGROUND

An El Paso County grand jury returned an indictment charging Vasquez with participating in a riot. The district court signed a general certification and transfer order referring to an eight-page Charging Instrument Report as

Exhibit A, but the county clerk received and initially filed only a one-page transfer order, an indictment, and a separate true-bill list that was not labeled as Exhibit A and did not identify Vasquez's case by the correct county-court cause number. After the county court dismissed the case, county clerks added the true-bill list, with handwritten cause numbers, to the file without court authorization or notice to the defense. The appellate court concluded that the record did not establish that Vasquez's case had been properly opened and transferred from the district court or that county-court jurisdiction had been invoked.

PROCEDURAL HISTORY

An El Paso County district-court grand jury returned an indictment charging Vasquez with misdemeanor riot participation. The indictment, district-court certification and transfer order, and related documents were delivered to the county clerk, but the transfer order filed in the county court was a one-page document with no identifying exhibit attached. The county court dismissed the case 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; after reviewing the supplemental record, it affirmed the dismissal and denied sanctions.

DISPOSITION

affirmed

CASES CITED

- State v. Krizan-Wilson, 354 S.W.3d 808 (Tex. Crim. App. 2011)
- State v. Moff, 154 S.W.3d 599 (Tex. Crim. App. 2004)
- State v. Dunbar, 297 S.W.3d 777 (Tex. Crim. App. 2009)
- Dears v. State, 154 S.W.3d 610 (Tex. Crim. App. 2005)
- State v. Barrera, 722 S.W.3d 894 (Tex. App.—El Paso 2025, pet. filed)
- Trejo v. State, 280 S.W.3d 258 (Tex. Crim. App. 2009)
- Ex parte Caldwell, 383 S.W.2d 587 (Tex. Crim. App. 1964)
- Horton v. State, 20 S.W.2d 1111 (Tex. Crim. App. 1929)
- Austin v. State, 70 S.W. 724 (Tex. Crim. App. 1897)
- Bird v. State, 91 S.W. 791 (Tex. Crim. App. 1906)
- Dittforth v. State, 80 S.W. 628 (Tex. Crim. App. 1904)
- Lynn v. State, 13 S.W. 867 (Tex. Crim. App. 1890)
- Ex parte Jones, 682 S.W.2d 311 (Tex. Crim. App. 1984)
- Harris v. State, 565 S.W.2d 66 (Tex. Crim. App. 1978)
- State v. Patrick, 86 S.W.3d 592 (Tex. Crim. App. 2002)
- Garcia v. Dial, 596 S.W.2d 524 (Tex. Crim. App. 1980)
- State v. Terrazas, 962 S.W.2d 38 (Tex. Crim. App. 1998)
- State v. Johnson, 821 S.W.2d 609 (Tex. Crim. App. 1991)
- Webster v. Commission for Lawyer Discipline, 704 S.W.3d 478 (Tex. 2024)

- Brewer v. Lennox Hearth Products, LLC, 601 S.W.3d 704 (Tex. 2020)
- Darnell v. Broberg, 565 S.W.3d 450 (Tex. App.—El Paso 2018, no pet.)
- In re Bennett, 960 S.W.2d 35 (Tex. 1997)
- Low v. Henry, 221 S.W.3d 609 (Tex. 2007)
- Shah v. Maple Energy Holdings, LLC, 2023 WL 4879905 (Tex. App.—El Paso July 31, 2023), supplemented, 676 S.W.3d 820 (Tex. App.—El Paso 2023, pet. denied)
- House v. State, 947 S.W.2d 251 (Tex. Crim. App. 1997)
- Blair v. Blair, 642 S.W.3d 150 (Tex. App.—El Paso 2021, no pet.)

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