

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

The State of Texas v. Deiker David Ramirez

Ramirez · No. 08-24-00209-CR · Decided February 18, 2026

SUMMARY

The Eighth District Court of Appeals considered the State’s appeal from an El Paso County Court at Law order dismissing a misdemeanor riot-participation indictment. The court affirmed the dismissal, concluding that the indictment was not properly transferred from the district court and that the county court’s jurisdiction was not properly invoked. The court also denied sanctions against the State and individual prosecutors; the separate concurring opinion explains why the alleged conduct did not warrant sanctions.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of the 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                | 08-24-00209-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 jurisdiction. Ramirez also moved for sanctions against the State and individual prosecutors based on alleged misconduct concerning the trial-court file, appellate record, and appellate briefing.                                                                                                  |
| STANDARD OF REVIEW    | The court applied a bifurcated standard in reviewing dismissal of an indictment: almost total deference to supported factual findings and credibility-dependent mixed questions, but de novo review of pure legal questions and mixed questions not dependent on witness credibility. Because the dismissal turned exclusively on legal questions and non-credibility-dependent mixed questions, review was de novo. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                                                                                                            |
| PARTIES               | The State of Texas v. Deiker David Ramirez                                                                                                                                                                                                                                                                                                                                                                           |

## TOPICS

criminal procedure

appellate procedure

appellate jurisdiction

remedies

standard of review

## PRACTICE AREAS

criminal procedure

appellate procedure

criminal jurisdiction

sanctions

## QUESTIONS PRESENTED

1. Whether the district court's certification-and-transfer order properly transferred Ramirez'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 transfer was defective.
3. Whether Ramirez established entitlement to 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 certification-and-transfer order did not properly transfer Ramirez's case to the county court and did not invoke the county court's jurisdiction.
2. Dismissal, rather than re-transfer to the district court, was the proper remedy because no case had been successfully transferred to the county court and the county court lacked jurisdiction to transfer the case to a court lacking subject-matter jurisdiction.
3. Ramirez failed to establish entitlement to sanctions, dismissal with prejudice, or attorney's fees, and the court denied his 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."* (at 2)

*"The transfer order is "essential to the jurisdiction of the" county court."* (at 18)

*"We therefore conclude that the county court did not err by finding that the transfer order was a one-page document, that the one-page transfer order filed in this case failed to successfully transfer this case to the county court, and that the transfer order failed to invoke the county court's jurisdiction over the case."* (at 30)

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

## FACTUAL BACKGROUND

An El Paso County grand jury returned an indictment charging Ramirez with the Class B misdemeanor offense of participating in a riot. The record showed a one-page district court certification-and-transfer order that did not identify Ramirez's case by a district-court cause number or other sufficient identifying information. Although an

eight-page true-bill list was delivered to the county clerk, it was not attached to the transfer order when initially filed and was later inserted into the court file, with handwritten county-court cause numbers, without court authorization or notice to the defense. The county court dismissed the indictment after determining that its jurisdiction had not been properly invoked.

## PROCEDURAL HISTORY

An El Paso County grand jury returned an indictment charging Ramirez with participating in a riot, a Class B misdemeanor. The indictment and a district court certification-and-transfer order were delivered to the county clerk, but the record did not establish that the indictment had been filed in the district court, assigned a district-court cause number, or properly identified in a transfer order. The county court dismissed the case for lack of jurisdiction. During the appeal, the appellate court abated the matter 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 the dismissal hearing without court authorization. The appellate court affirmed the dismissal and denied Ramirez's sanctions motions.

## DISPOSITION

affirmed

## CASES CITED

- State v. Krizan-Wilson, 354 S.W.3d 808 (Tex. Crim. App. 2011)
- State v. Barrera, 722 S.W.3d 894 (Tex. App.—El Paso 2025, pet. filed)
- State v. Dunbar, 297 S.W.3d 777 (Tex. Crim. App. 2009)
- Trejo v. State, 280 S.W.3d 258 (Tex. Crim. App. 2009)
- Dittforth v. State, 80 S.W. 628 (Tex. Crim. App. 1904)
- Lynn v. State, 13 S.W. 867 (Tex. Crim. App. 1890)
- Horton v. State, 20 S.W.2d 1111 (Tex. Crim. App. 1929) (per curiam)
- Austin v. State, 70 S.W. 724 (Tex. Crim. App. 1897)
- Garcia v. Dial, 596 S.W.2d 524 (Tex. Crim. App. 1980)
- Ex parte Caldwell, 383 S.W.2d 587 (Tex. Crim. App. 1964)
- Ex parte Jones, 682 S.W.2d 311 (Tex. Crim. App. 1984) (en banc)
- Harris v. State, 565 S.W.2d 66 (Tex. Crim. App. 1978) (en banc)
- State v. Patrick, 86 S.W.3d 592 (Tex. Crim. App. 2002)
- State v. Terrazas, 962 S.W.2d 38 (Tex. Crim. App. 1998) (en banc)
- Webster v. Commission for Lawyer Discipline, 704 S.W.3d 478 (Tex. 2024)
- Eichelberger v. Eichelberger, 582 S.W.2d 395 (Tex. 1979)
- Low v. Henry, 221 S.W.3d 609 (Tex. 2007)
- Brewer v. Lennox Hearth Products, LLC, 601 S.W.3d 704 (Tex. 2020)

- State v. Gabaldon, No. PD-0149-23, 2025 WL 2588858 (Tex. Crim. App. Sept. 3, 2025), reh'g denied (Nov. 6, 2025)

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