

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

The State of Texas v. Rodrigo Andres Martinez

No. 08-24-00174-CR (Tex. App.—El Paso Feb. 18, 2026) · No. 08-24-00174-CR · Decided February 18, 2026

SUMMARY

The Texas Eighth Court of Appeals affirmed the dismissal of a misdemeanor indictment against Rodrigo Andres Martinez, concluding that the case 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 Martinez’s requests for sanctions against the District Attorney’s Office and individual prosecutors, finding that the alleged conduct did not rise to the level of egregious bad-faith conduct warranting sanctions. Justice Lisa J. Soto filed a concurring opinion regarding sanctions, joined by Chief Justice Barajas sitting by assignment.

CASE DETAILS

COURT	Court of Appeals for the Eighth District of Texas, El Paso
WRITING FOR THE COURT	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	08-24-00174-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the County Court at Law No. 7's dismissal of a misdemeanor indictment for lack of properly invoked jurisdiction. Martinez moved to abate the appeal to correct and investigate an inaccurate clerk's record and sought sanctions against the State and prosecutors.
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-based mixed questions, but reviews pure legal questions and mixed questions not dependent on credibility de novo. Because the dismissal here depended on legal questions and mixed questions not dependent on witness credibility, the court applied de novo review.
PRECEDENTIAL VALUE	published opinion

PARTIES

The State of Texas v. Rodrigo Andres Martinez

TOPICS

criminal procedure

appellate procedure

appellate jurisdiction

remedies

standard of review

PRACTICE AREAS

criminal procedure

appellate procedure

criminal jurisdiction

appellate sanctions

remedies

QUESTIONS PRESENTED

1. Whether the County Court at Law No. 7 obtained jurisdiction over Martinez's indicted misdemeanor case through the district court's certification and transfer order and the documents delivered to the county clerk.
2. Whether dismissal was the proper remedy when the State failed to establish that the misdemeanor indictment had been properly transferred to the county court.
3. Whether Martinez established a basis 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 did not successfully transfer Martinez's case to the county court because it did not identify a district-court cause, file number, or other sufficient description of Martinez's case, and the separately received true-bill list did not function as a transfer order or adequately identify the case to be transferred.
2. The county court's jurisdiction was not properly invoked because the record did not establish a valid transfer of Martinez's indictment from the district court.
3. Dismissal was the proper remedy; the county court lacked authority to transfer the case back to the district court.
4. Martinez did not establish entitlement to sanctions, dismissal with prejudice, or attorney's fees based on the State's alleged misconduct.
5. The concurring opinion stated that courts possess inherent authority to sanction public or private attorneys, including prosecutors, for egregious bad-faith abuse of the judicial process, but concluded that the conduct alleged here did not warrant sanctions.

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 filed in the county court, which purported to transfer a group of misdemeanor cases to the county court, did not provide a cause number or a district clerk's file number to identify Martinez's

indictment, did not provide “a sufficient description and identification of” Martinez’s case to identify it as a case to be transferred, and did not, in fact, provide any information that would have allowed the district court clerk to identify his case as one of the cases to be transferred or that would have enabled the county court to determine that Martinez’s case had been ordered transferred to the county court.” (at 30)

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

“We affirm the county court’s order dismissing Martinez’s case. We deny Martinez’s motion for sanctions against the State.” (at 38)

FACTUAL BACKGROUND

On May 21, 2024, an El Paso County grand jury returned an indictment charging Martinez with the Class B misdemeanor offense of participating in a riot. A district court signed a one-page certification and transfer order referring to an attached eight-page charging-instrument report, but the county clerk received the order without an attachment and separately received a true-bill list that did not identify Martinez's district-court case. After the county court dismissed the case for lack of jurisdiction, the true-bill list was added to the court file without court authorization or notice and later appeared in the appellate record. The appellate court held an abatement hearing and determined that the transfer order had not properly identified or transferred Martinez's case.

PROCEDURAL HISTORY

An El Paso County grand jury returned an indictment charging Martinez with participating in a riot. The County Court at Law No. 7 dismissed the case after finding that a district court transfer order did not identify or transfer the case and that the county court's jurisdiction had not been invoked. The Court of Appeals abated the appeal for an evidentiary hearing concerning the accuracy of the clerk's record, affirmed the dismissal, and denied Martinez's sanctions motions.

DISPOSITION

affirmed

CASES CITED

- State v. Barrera, 722 S.W.3d 894 (Tex. App.—El Paso 2025, pet. filed)
- 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)
- Trejo v. State, 280 S.W.3d 258 (Tex. Crim. App. 2009)
- Ex parte Caldwell, 383 S.W.2d 587 (Tex. Crim. App. 1964)
- State v. Olsen, 360 S.W.2d 398 (Tex. 1962), overruled on other grounds by Jackson v. State, 548 S.W.2d 685 (Tex. Crim. App. 1977)

- 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)
- 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)
- Garcia v. Dial, 596 S.W.2d 524 (Tex. Crim. App. 1980)
- State v. Patrick, 86 S.W.3d 592 (Tex. Crim. App. 2002)
- 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. Terrazas, 962 S.W.2d 38 (Tex. Crim. App. 1998) (en banc)
- State v. Johnson, 821 S.W.2d 609 (Tex. Crim. App. 1991) (en banc)
- House v. State, 947 S.W.2d 251 (Tex. Crim. App. 1997)
- In re State, 605 S.W.3d 721 (Tex. App.—Houston [1st Dist.] 2020, orig. proceeding)
- Webster v. Commission for Lawyer Discipline, 704 S.W.3d 478 (Tex. 2024)
- Eichelberger v. Eichelberger, 582 S.W.2d 395 (Tex. 1979)
- Darnell v. Broberg, 565 S.W.3d 450 (Tex. App.—El Paso 2018, no pet.)
- Brewer v. Lennox Hearth Products, LLC, 601 S.W.3d 704 (Tex. 2020)
- Low v. Henry, 221 S.W.3d 609 (Tex. 2007)
- Shah v. Maple Energy Holdings, LLC, No. 08-22-00198-CV, 2023 WL 4879905 (Tex. App.—El Paso July 31, 2023), supplemented, 676 S.W.3d 820 (Tex. App.—El Paso 2023, pet. denied)
- Powell v. Fletcher, 695 S.W.3d 675 (Tex. App.—Houston [1st Dist.] 2024, pet. denied)
- Owen v. Jim Allee Imports, Inc., 380 S.W.3d 276 (Tex. App.—Dallas 2012, no pet.)
- Mattly v. Spiegel, Inc., 19 S.W.3d 890 (Tex. App.—Houston [14th Dist.] 2000, no pet.)
- Thielemann v. Kethan, 371 S.W.3d 286 (Tex. App.—Houston [1st Dist.] 2012, pet. denied)
- Mobley v. Mobley, 506 S.W.3d 87 (Tex. App.—Texarkana 2016, no pet.)
- GTE Communications System Corp. v. Tanner, 856 S.W.2d 725 (Tex. 1993)
- Ex parte Macias, 541 S.W.3d 782 (Tex. Crim. App. 2017)
- State v. Robinson, 498 S.W.3d 914 (Tex. Crim. App. 2016)
- State v. Gabaldon, No. PD-0149-23, 2025 WL 2588858 (Tex. Crim. App. Sept. 3, 2025), reh'g denied (Nov. 6, 2025)
- State v. Barrera, 722 S.W.3d 894 (Tex. App.—El Paso 2025, pet. filed)
- Warner v. Glass, 135 S.W.3d 681 (Tex. 2004)
- Standard Fire Insurance Co. v. LaCoke, 585 S.W.2d 678 (Tex. 1979)
- State v. Wachtendorf, 475 S.W.3d 895 (Tex. Crim. App. 2015)
- Jamar v. Patterson, 868 S.W.2d 318 (Tex. 1994)
- Stansberry v. State, 239 S.W.3d 260 (Tex. Crim. App. 2007)
- Light v. State, 15 S.W.3d 104 (Tex. Crim. App. 2000) (en banc)

- McCloud v. State, 527 S.W.2d 885 (Tex. Crim. App. 1975)
- Breazeale v. State, 683 S.W.2d 446 (Tex. Crim. App. 1984) (en banc)
- Nichols v. State, 511 S.W.2d 945 (Tex. Crim. App. 1974)
- Amador v. State, 221 S.W.3d 666 (Tex. Crim. App. 2007)
- Whitehead v. State, 130 S.W.3d 866 (Tex. Crim. App. 2004)
- Solomon v. State, 49 S.W.3d 356 (Tex. Crim. App. 2001)
- Ray v. Farmers' State Bank of Hart, 576 S.W.2d 607 (Tex. 1979)
- Rowell v. State, 66 S.W.3d 279 (Tex. Crim. App. 2001) (en banc)
- Tellez v. State, No. 08-13-00141-CR, 2015 WL 5449728 (Tex. App.—El Paso Sept. 16, 2015, pet. ref'd)
- Solomon v. Buckle, 695 S.W.3d 664 (Tex. App.—Houston [1st Dist.] 2024)
- Bell v. State, 90 S.W.3d 301 (Tex. Crim. App. 2002) (en banc)
- Rocha v. State, 16 S.W.3d 1 (Tex. Crim. App. 2000)
- Wyatt v. State, 23 S.W.3d 18 (Tex. Crim. App. 2000)
- Reynolds Energy Transport, LLC v. Plains Marketing, L.P., 706 S.W.3d 845 (Tex. App.—San Antonio 2024, no pet.)
- Greene v. Young, 174 S.W.3d 291 (Tex. App.—Houston [1st Dist.] 2005, pet. denied)
- In re L.A.M. & Associates, 975 S.W.2d 80 (Tex. App.—San Antonio 1998, orig. proceeding)
- Blair v. Blair, 642 S.W.3d 150 (Tex. App.—El Paso 2021, no pet.)
- In re Garcia, No. 02-20-00161-CV, 2020 WL 4907330 (Tex. App.—Fort Worth Aug. 20, 2020, orig. proceeding)
- Dyson Descendant Corp. v. Sonat Exploration Co., 861 S.W.2d 942 (Tex. App.—Houston [1st Dist.] 1993, no writ)
- State v. Johnson, 12 Tex. 231 (1854)
- Richardson v. Wells, 3 Tex. 223 (1848)