

COURT OF APPEALS, EIGHTH DISTRICT OF TEXAS, EL PASO

The State of Texas v. Gustavo Andres Robles

No. 08-24-00207-CR · No. No. 08-24-00207-CR · Decided February 18, 2026

SUMMARY

The Texas Eighth Court of Appeals considers the State’s appeal from a county court order dismissing a misdemeanor indictment charging Gustavo Andres Robles with participating in a riot. The court addresses whether the indictment was properly transferred from a district court to the county court and whether the appellate clerk’s record was altered or inaccurate. The court concludes that the transfer was ineffective, the county court’s jurisdiction was not properly invoked, and the dismissal should be affirmed; it also denies Robles’s sanctions motion.

CASE DETAILS

COURT	Court of Appeals, Eighth District of Texas, El Paso
WRITING FOR THE COURT	Per curiam; 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	No. 08-24-00207-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the County Court at Law No. 7's order dismissing a misdemeanor indictment for lack of properly invoked jurisdiction. Robles moved for sanctions based on alleged record alteration and litigation conduct.
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 mixed questions not dependent on credibility de novo. The court applied de novo review because the dismissal depended exclusively on legal questions and mixed questions not dependent on witness credibility.
PRECEDENTIAL VALUE	published
PARTIES	The State of Texas v. Gustavo Andres Robles

TOPICS

criminal procedure

appellate procedure

appellate jurisdiction

standard of review

preservation of error

PRACTICE AREAS

criminal law

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appellate procedure

QUESTIONS PRESENTED

1. Whether the district court's certification and transfer order properly transferred Robles'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 Robles established entitlement to sanctions, dismissal with prejudice, or attorney's fees based on the State's conduct concerning the trial-court file and appellate record.

HOLDINGS

1. The county court correctly determined that the one-page transfer order did not identify or transfer Robles's case and did not invoke the county court's jurisdiction. A transfer order must sufficiently identify the particular case being transferred; neither the order nor the true-bill list identified a district-court cause or otherwise identified this case as one ordered transferred.
2. Dismissal was the proper remedy because the county court's jurisdiction was never properly invoked. The county court lacked jurisdiction or authority to transfer the case back to the district court under the circumstances presented.
3. Robles failed to establish entitlement to sanctions, dismissal with prejudice, or attorney's fees against the State or individual prosecutors. 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 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.” (27)

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

FACTUAL BACKGROUND

An El Paso County district-court grand jury returned an indictment charging Robles with the Class B misdemeanor of participating in a riot. The indictment was filed in the county clerk's office with a county-court cause number, but the record contained no district-court file stamp or district-court cause number. A one-page

district-court transfer order referred to an attached exhibit identifying cases to be transferred, but no exhibit was attached when the order was filed; county-clerk employees later added an eight-page true-bill list to the file after the dismissal hearing. The true-bill list did not identify Robles's case by the county-court cause number assigned to the indictment and did not constitute an order transferring the case.

PROCEDURAL HISTORY

An El Paso County district-court grand jury returned an indictment charging Robles with participating in a riot, a Class B misdemeanor. The county court dismissed the indictment after determining that the district court's certification and transfer order did not properly identify or transfer the case. During the appeal, the court abated the case for an evidentiary hearing concerning the accuracy of the clerk's record. After reviewing the supplemental record, the court affirmed the dismissal and denied Robles's sanctions motions.

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)
- Mungin v. State, 192 S.W.3d 793 (Tex. App.—Houston [1st Dist.] 2006, no pet.)
- 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)
- Jenkins v. State, 592 S.W.3d 894 (Tex. Crim. App. 2018)
- Fairfield v. State, 610 S.W.2d 771 (Tex. Crim. App. 1981)
- Ex parte Moss, 446 S.W.3d 786 (Tex. Crim. App. 2014)
- Trejo v. State, 280 S.W.3d 258 (Tex. Crim. App. 2009)
- Ex parte Caldwell, 383 S.W.2d 587 (Tex. Crim. App. 1964) (opinion on State's motion for rehearing)
- State v. Olsen, 360 S.W.2d 398 (Tex. 1962)
- Jackson v. State, 548 S.W.2d 685 (Tex. Crim. App. 1977)
- Garcia v. Dial, 596 S.W.2d 524 (Tex. Crim. App. [Panel Op.] 1980)
- 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)
- 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)
- Warner v. Glass, 135 S.W.3d 681 (Tex. 2004)
- Standard Fire Ins. 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)
- Coker v. State, 7 Tex. Ct. App. 83 (1879)
- Austin v. State, 40 S.W. 724 (Tex. Crim. App. 1897)
- Hyatt v. State, 135 S.W. 142 (Tex. Crim. App. 1911)
- Hullum v. State, 415 S.W.2d 192 (Tex. Crim. App. 1966)
- Quarles v. State, 385 S.W.2d 395 (Tex. Crim. App. 1964)
- Dittforth v. State, 80 S.W. 628 (Tex. Crim. App. 1904)
- Bird v. State, 91 S.W. 791 (Tex. Crim. App. 1906)
- 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)
- State v. Rodriguez-Gomez, 716 S.W.3d 702 (Tex. App.—San Antonio 2024, no pet.)
- 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)
- In re State, 605 S.W.3d 721 (Tex. App.—Houston [1st Dist.] 2020, orig. proceeding)
- In re Garcia, No. 02-20-00161-CV, 2020 WL 4907330 (Tex. App.—Fort Worth Aug. 20, 2020, orig. proceeding) (mem. op.)
- Webster v. Commission for Lawyer Discipline, 704 S.W.3d 478 (Tex. 2024)
- State v. Gabaldon, No. PD-0149-23, 2025 WL 2588858 (Tex. Crim. App. Sept. 3, 2025), reh'g denied (Nov. 6, 2025)
- Eichelberger v. Eichelberger, 582 S.W.2d 395 (Tex. 1979)
- 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)
- State v. Johnson, 12 Tex. 231 (1854)
- Richardson v. Wells, 3 Tex. 223 (1848)
- Low v. Henry, 221 S.W.3d 609 (Tex. 2007)
- GTE Communications Systems Corp. v. Tanner, 856 S.W.2d 725 (Tex. 1993)
- 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)
- *Dyson Descendant Corp. v. Sonat Exploration Co.*, 861 S.W.2d 942 (Tex. App.—Houston [1st Dist.] 1993, no writ)
- *Mobley v. Mobley*, 506 S.W.3d 87 (Tex. App.—Texarkana 2016, no pet.)
- *McCullough v. Scarbrough, Medlin, & Associates Inc.*, No. 08-12-00205-CV, 2012 WL 3100845 (Tex. App.—El Paso July 31, 2012, no pet.) (mem. op.)
- *Ex parte Macias*, 541 S.W.3d 782 (Tex. Crim. App. 2017)
- *State v. Robinson*, 498 S.W.3d 914 (Tex. Crim. App. 2016)
- *Tellez v. State*, No. 08-13-00141-CR, 2015 WL 5449728 (Tex. App.—El Paso Sept. 16, 2015, pet. ref'd) (not designated for publication)