



NUMBER 13-20-00176-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

EX PARTE A.G.

**On appeal from the 107th District Court
of Cameron County, Texas.**

CONCURRING MEMORANDUM OPINION

**Before Justices Benavides, Hinojosa, and Silva
Concurring Memorandum Opinion by Justice Benavides**

Although I agree with the majority's disposition of this appeal and their decision not to address A.G.'s second issue, I write separately to stress that an inmate's constitutional right to access the courts cannot be abridged merely because of his status as an inmate. *In re Z.L.T.*, 124 S.W.3d 163, 165 (Tex. 2003) (citing *Hudson v. Palmer*, 468 U.S. 517, 523 (1984)). An inmate does not have an absolute right to appear in person in every court proceeding because the inmate's right to access the courts must be weighed against penological interests. *Id.* (citations omitted). But where an inmate requests to appear by

an effective alternative means, such as by telephone, those penological interests are no longer implicated. *In re A.W.*, 302 S.W.3d 925, 930 (Tex. App.—Dallas 2010, no pet.). Courts should strive to ensure that all parties can exercise this fundamental right up to its constitutional limit.

GINA M. BENAVIDES
Justice

Delivered and filed on the
24th day of June, 2021.