

**DISMISS and Opinion Filed August 30, 2017**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-17-00343-CV**

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**OTIS MINAFEE, Appellant  
V.  
EDWIN SHIELDS, Appellee**

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**On Appeal from the 162nd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-15-15125**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Francis, and Justice Stoddart  
Opinion by Chief Justice Wright

Pro se appellant Otis Minafee has appealed the trial court's order dismissing his claim. After appellant filed his brief, we notified him that his brief was deficient and instructed him to file an amended brief. Appellant filed an amended brief but failed to correct the noted deficiencies. Appellant was given another opportunity to cure the deficiencies by filing an amended brief by August 14, 2017. As of today's date, appellant has not complied.

A civil litigant has the right to represent himself at trial and on appeal. *See Bolling v. Farmers Branch Indep. Sch. Dist.*, 315 S.W.3d 893, 895 (Tex. App. — Dallas 2010, no pet.). The right of self-representation on appeal carries with it the duty to adhere to the rules of appellate procedure. *See id.* Pro se appellants are held to the same standard as licensed attorneys. *See Strange v. Cont'l Cas. Co.*, 126 S.W.3d 676, 677 (Tex. App. — Dallas 2004, pet. denied). Our rules of appellate procedure have specific requirements for the contents of all briefs

accepted by the courts. *See* TEX. R. APP. P. 38. Among other requirements, the rules require appellants to state concisely their complaints; provide understandable, succinct, and clear argument showing why their complaints are meritorious in fact and in law; cite and apply applicable law; and provide appropriate references to the record. *See* TEX. R. APP. P. 38.1(f-i); *Bolling*, 315 S.W.3d at 895. When determining whether a particular brief is deficient, we do not adhere to rigid rules, but rather examine the brief for compliance with the rules of appellate procedure. *See Bolling*, 315 S.W.3d at 895. Only after receiving adequate briefing may we go on to review the merits of the appeal. *Id.* If an appellant fails to provide adequate briefing, we may dismiss the appeal. *See* TEX. R. APP. P. 42.3; *Bolling*, 315 S.W.3d at 895-96.

In his brief, appellant identifies the case as a suit for damages and the issues as perjury and breach of contract. Beyond that, appellant simply attached the parties' agreement, the judgment, and a few other documents. Appellant's amended brief fails to provide a concise statement of facts supported by record references or argument with appropriate citations to the record and legal authorities. *See* TEX. R. APP. P. 38.1(g), (i). Without adequate briefing, especially the lack of support by reference to the record and authorities, appellant is not entitled to judicial review. *See* TEX. R. APP. P. 38.1(g), (i); *Bolling*, 315 S.W.3d at 895-96.

Because appellant was given the opportunity to file an amended brief correcting noted deficiencies but has failed to do so, we dismiss this appeal. *See* TEX. R. APP. P. 42.3(c).

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

OTIS MINAFEE, Appellant

No. 05-17-00343-CV      V.

EDWIN SHIELDS, Appellee

On Appeal from the 162nd Judicial District  
Court, Dallas County, Texas

Trial Court Cause No. DC-15-15125.

Opinion delivered by Chief Justice Wright,  
Justices Francis and Stoddart participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

Judgment entered August 30, 2017.