

Affirmed; Opinion Filed May 2, 2018.



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

No. 05-17-00060-CV

**ANGELIA SMITH & KELVIN SMITH, Appellants
V.
PONNACHAN OONNOONNI, Appellee**

**On Appeal from the County Court at Law No. 2
Dallas County, Texas
Trial Court Cause No. CC-16-05937-B**

MEMORANDUM OPINION

Before Justices Lang, Myers, and Stoddart
Opinion by Justice Stoddart

Appellants Angelia and Kelvin Smith, appearing pro se, appeal the county court's judgment awarding possession of a residential property to appellee Ponnachan Oonnooni. In their brief, appellants assert two issues that both relate to a motion to recuse. We affirm the trial court's judgment.

After appellants filed their brief, the Court sent a letter to them stating their brief fails to comply with Texas Rule of Appellate Procedure 38.1 and is deficient in the following respects: (1) it does not contain a concise statement of the case, the course of proceedings, and the trial court's disposition of the case supported by record references; (2) it does not contain a concise statement of the facts supported by record references; (3) the argument does not contain appropriate citations to authorities; and (4) the argument does not contain appropriate citations to

the record. The letter also stated several documents are missing from the appendix. The Court gave appellants ten days to file an amended brief that complied with the appellate rules. Appellants did not file an amended brief.

Pro se pleadings and briefs are liberally construed, but we hold pro se litigants to the same standards as attorneys and require them to comply with all applicable laws and rules of procedure. *Washington v. Bank of N.Y.*, 362 S.W.3d 853, 854 (Tex. App.—Dallas 2012, no pet.). To do otherwise would give pro se litigants an unfair advantage over litigants who are represented by counsel. *Id.*

The Texas Rules of Appellate Procedure control the required contents and organization of an appellant's brief. *See* TEX. R. CIV. P. 38.1. Under those rules, an appellant's brief must, among other things, "contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record." TEX. R. CIV. P. 38.1(i). The Court has no right or obligation to search through the record to find facts or research relevant law that might support an appellant's position because doing so would impermissibly transform this Court from a neutral adjudicator to an advocate. *Lau v. Reeder*, No. 05–14–01459–CV, 2016 WL 4371813, at *2 (Tex. App.—Dallas Aug. 16, 2016, pet. denied) (mem. op.). We are not required to consider evidence attached as exhibits or appendices to the briefs where no citation to the record is provided. *See* TEX. R. CIV. P. 38.1(h); *Ranger Ins. Co. v. State*, 312 S.W.3d 266, 270 (Tex. App.—Dallas 2010, pet. dismissed, untimely filed) (explaining attachments to brief are not substitutes for citations to record). In the absence of appropriate record citations or a substantive analysis, a brief does not present an adequate appellate issue. *Devine v. Dallas Cty.*, 130 S.W.3d 512, 513–14 (Tex. App.—Dallas 2004, no pet.).

As appellants were informed, their brief does not present a clear and concise argument for the contentions made and does not contain citations to the record or controlling legal authority.

Instead appellants cite to exhibits that they assert are attached to their brief although they are not. The documents that appellants discuss also do not appear in the appellate record. The brief lacks clarity and it is difficult to determine appellants' precise complaints.

Appellants bore the burden to present and discuss their assertions of error in compliance with the appellate briefing rules. *See* TEX. R. CIV. P. 38.1. Because they failed to adequately brief any issue for review by this Court, even after being notified of the deficiencies in their appellate brief, we conclude they have presented nothing for our review.

We affirm the trial court's judgment.

/Craig Stoddart/

CRAIG STODDART
JUSTICE

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

JUDGMENT

ANGELIA SMITH & KELVIN SMITH,
Appellants

No. 05-17-00060-CV V.

PONNACHAN OONNOONNI, Appellee

On Appeal from the County Court at Law
No. 2, Dallas County, Texas
Trial Court Cause No. CC-16-05937-B.
Opinion delivered by Justice Stoddart.
Justices Lang and Myers participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

It is **ORDERED** that each party bear its own costs of this appeal.

Judgment entered this 2nd day of May, 2018.