

DISMISS and Opinion Filed October 19, 2018



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

No. 05-18-00009-CV

BEGETTA BRYANT, Appellant

V.

DUC NGUYEN, Appellee

**On Appeal from the County Court at Law No. 4
Dallas County, Texas
Trial Court Cause No. Cc-17-06066-D**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Evans, and Justice Brown
Opinion by Chief Justice Wright

Begetta Bryant appeals the trial court's order issuing a writ of possession to appellee in this eviction suit. On May 2, 2018, appellant filed her brief. By letter dated May 17, 2018, we informed appellant her brief failed to comply with the requirements of Texas Rule of Appellate Procedure 38.1. *See* TEX. R. APP. P. 38.1. Specifically, the brief was deficient in that (1) it did not contain a statement of the case, course of proceedings, or the trial court's disposition of the case; (2) it did not concisely state all issues presented for review; (3) it did not contain a statement of facts with references to the record; (4) it did not contain a succinct, clear, and accurate summary of the arguments made in the body of the brief; (5) the argument did not contain appropriate citations to the record; and (6) it did not contain a short conclusion clearly stating the nature of the relief sought. *See id.* 38.1(d), (f), (g), (h), (i) and (j). We provided appellant an opportunity to file an

amended brief that complied with the requirements of appellate rule 38.1 no later than May 28, 2018 and cautioned her that failure to comply might result in dismissal of the appeal without further notice. *See id.* 38.8(a)(1); 42.3 (b), (c). On September 4, 2018, appellant filed an amended brief. For the reasons stated below, we conclude appellant’s amended brief is also deficient and dismiss the appeal.

Although individuals have the right to represent themselves pro se in civil litigation, they are held to the same rules of appellate procedure that licensed attorneys are required to follow. *See Bolling v. Farmers Branch Indep. Sch. Dist.*, 315, S.W.3d 893, 895 (Tex. App.—Dallas 2010, no pet.). Appellate court judges are not responsible for “identifying possible trial court error” or for reviewing the record to find favorable facts that may support a party’s position. *Id.* Importantly, under rule 38.1(f), the court “must be able to discern what question[s] of law [it] will be answering.” *Id.* at 896. A brief fails if it does not articulate the issues to be answered by the court. *Id.* If a brief articulates the issues to be decided by the court, “then rule 38.1(i) calls for the brief to guide [the court] through the appellant’s argument with clear and understandable statements of the contentions being made.” *Id.* Under rule 38.1(i), appellant’s argument must make direct references to facts in the record and applicable legal authority. *Id.* A brief fails under rule 38.1(i) if the court must speculate or guess if references to facts or legal authority “are not made or are inaccurate, misstated, or misleading.” *Id.*

Appellant’s brief contains allegations that the trial court failed to consider “critical evidence” in this eviction suit. However, the brief does not contain any citations to the record to support these factual allegations. Rather, it contains argument without citations to the record or any citations to authority. The brief is clearly deficient, leaving us to speculate or guess as to the contentions being made and whether they are meritorious. Because appellant has not provided the

Court with existing legal authority that can be applied to the alleged facts of the case, her brief fails. *See Bolling*, 315 S.W.3d at 896.

Appellant has failed to comply with the briefing requirements of our appellate rules after being given an opportunity to do so. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 38.8(a)(1); 42.3(b), (c).

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

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

JUDGMENT

BEGETTA BRYANT, Appellant

No. 05-18-00009-CV V.

DUC NGUYEN, Appellee

On Appeal from the County Court at Law
No. 4, Dallas County, Texas
Trial Court Cause No. Cc-17-06066-D.
Opinion delivered by Chief Justice Wright.
Justices Evans and Brown participating.

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

Judgment entered October 19, 2018.