

**Dismiss and Opinion Filed November 3, 2020**



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

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**No. 05-19-00988-CV**

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**COREY STEELE, Appellant  
V.  
MARK HUMPHREYS, ET AL., Appellee**

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**On Appeal from the 193rd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-19-04082**

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**MEMORANDUM OPINION**

Before Justices Myers, Partida-Kipness, and Reichel  
Opinion by Justice Partida-Kipness

Appellant Corey Steele appeals the trial court's judgment dismissing his claims against appellees and granting appellee Spring Valley Construction's counterclaims. Representing himself without an attorney, Steele filed an appellant's brief. We notified him that his brief was deficient and instructed him to file an amended brief to comply with the Texas Rules of Appellate Procedure. Steele's amended brief is virtually identical to his original brief and, thus, is also deficient and fails to comply with the rules. Accordingly, we dismiss the appeal.

## **BACKGROUND**

This case arises from a dispute over a settlement agreement. Steele and his company, Trustmark Roofing, LLC, entered into the settlement agreement with Spring Valley to settle a dispute arising from Spring Valley's termination of its roofing contract with Trustmark. Spring Valley had hired Trustmark as a roofing subcontractor on an apartment complex project (the Project). When Trustmark allegedly failed to perform under the contract, Spring Valley terminated Trustmark for cause. Steele publicly expressed his dissatisfaction with Spring Valley's decision, and the parties executed a settlement agreement on March 21, 2019, to "buy peace."

The very next day, Steele and Trustmark filed a Rule 202 petition seeking pre-suit discovery from Spring Valley and multiple other respondents regarding anticipated claims to enjoin progress on "relevant projects" and for unspecified damages. Steele and Trustmark later supplemented their petition to pursue the anticipated claims. They also sought a declaratory judgment that the settlement agreement was an "illegal and unenforceable" contract and attempted to perfect a mechanic's lien on the Project. The record does not reflect that Steele and Trustmark served process on any of the named defendants. Regardless, Spring Valley and City of Rockwall police officers Joseph Florance and Ray Fitzwater voluntarily answered.

Spring Valley filed counterclaims for breach of the settlement agreement, to enjoin Steele and Trustmark from further agreement violations, and for a declaration invalidating the mechanic's lien. Spring Valley also moved for summary judgment on Steele and Trustmark's claims and its counterclaims. Florance and Fitzwater filed a motion to dismiss under Rule 91a, contending Steele and Trustmark had stated no cognizable claims against them and Steele, as a pro se party, could not represent corporate entity Trustmark in the lawsuit. Steele and Trustmark filed a response to Spring Valley's motion for summary judgment, to which Spring Valley objected on multiple grounds. The trial court sustained Spring Valley's objections.

The trial court granted Florance and Fitzwater's motion to dismiss on June 20, 2019. On June 27, 2019, the trial court held a hearing on Spring Valley's motion for summary judgment and granted the motion. The trial court issued its final judgment on July 30, 2019, granting Spring Valley's requested relief, ordering Steele and Trustmark to take nothing on their claims against any defendant, and invalidating the mechanic's lien. This appeal followed.

Steele filed his appellant's brief on December 28, 2019. The brief contained over 30,000 words in fifty, single-spaced pages. As part of a January 9, 2020 order on Steele's motion to supplement the clerk's record, the Court informed Steele that his brief failed to meet the requirements set forth in rules of appellate procedure 9.4 and 38.1. Specifically, the Court notified Steele that the brief failed to meet the following requirements:

1. It does not contain a table of contents with references to the pages of the brief. TEX. R. APP. P. 38.1(b).
2. It does not contain an index of authorities arranged alphabetically and indicating the pages of the brief where the authorities are cited. TEX. R. APP. P. 38.1(c).
3. 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. TEX. R. APP. P. 38.1(d).
4. It does not contain a concise statement of the facts supported by record references. TEX. R. APP. P. 38.1(g).
5. It does not contain a succinct, clear, and accurate statement of the arguments made in the body of the brief with citations to the record. TEX. R. APP. P. 38.1(h).
6. It does not contain a proper certificate of compliance. TEX. R. APP. P. 9.4(i)(3).
7. It does not contain an appendix with the necessary documents. TEX. R. APP. P. 38.1(k)(1)(A)-(C).

The order required Steele to file an amended brief correcting these deficiencies by January 21, 2020, and cautioned Steele that “that failure to comply may result in dismissal of the appeal without further notice. *See* TEX. R. APP. P. 38.8(a)(1), 42.3 (b), (c).” Steele filed an amended brief on January 21, 2020, that is virtually identical to his original.

## ANALYSIS

In Texas, an individual who is a party to civil litigation has the right to represent himself at trial and on appeal. TEX. R. CIV. P. 7. The right of self-representation carries with it the responsibility to adhere to our rules of evidence and procedure, including our appellate rules of procedure if the party chooses to

represent himself at the appellate level. *Bolling v. Farmers Branch Indep. Sch. Dist.*, 315 S.W.3d 893, 895 (Tex. App.—Dallas 2010, no pet.). Courts regularly caution pro se litigants that they will not be treated differently than a party who is represented by a licensed attorney. *Id.* To comply, an appellant must articulate the issues we are asked to decide. *Lee v. Abbott*, No. 05-18-01185-CV, 2019 WL 1970521, at \*1 (Tex. App.—Dallas May 3, 2019, no pet.) (mem. op.). The brief fails if we must speculate or guess about the appellant’s contentions. *Id.* We are not responsible for identifying possible trial court error, searching the record for facts that may be favorable to a party’s position, or doing legal research that might support a party’s contention. *Id.* “Were we to do so, even for a pro se litigant untrained in law, we would be abandoning our role as judges and become an advocate for that party.” *Bolling*, 315 S.w.3d at 895.

Our appellate rules have specific requirements for briefing. TEX. R. APP. P. 38. These rules require appellants to state concisely the complaint they may have, provide understandable, succinct, and clear argument for why their complaint has merit in fact and in law, and cite and apply law that is applicable to the complaint being made along with record references that are appropriate. TEX. R. APP. P. 38.1(f), (h), and (i). When deciding whether an appellant’s brief is deficient, we do not adhere to any rigid rule about the form of a brief. *Bolling*, 315 S.W.3d at 895. Pro se litigants may not be versed in the form of briefing favored by seasoned appellate practitioners. *Id.* We do, however, examine briefs for compliance with

prescribed briefing rules, including specifically, in this case, rules 9.4 and 38.1. *Id.*; TEX. R. APP. P. 9.4, 38.1. After a close examination, if we can conclude a brief complies with the Texas Rules of Appellate Procedure, we submit the appeal for review and decision on the merits. *Lee*, 2019 WL 1970521, at \*1. If we cannot, we may dismiss the appeal as we are authorized to do. TEX. R. APP. P. 42.3.

Here, we informed Steele that his brief failed to comply with the Texas Rules of Appellate Procedure. Steele's amended brief fails to remedy the deficiencies. His amended brief contains no clear list of issues but appears to present seven issues for appellate review. However, his amended brief fails to cite applicable facts, authorities, or record references for each purported issue. Indeed, Steele's brief is mostly incoherent and consists of jumbled and chaotic references to laws, constitutional rights, alleged crimes, wrongdoings, and complaints that are irrelevant to the underlying case. For example, Steele's amended brief purports to explain the "criminal/civil divide," referring to "[t]his private / public distinction [which] dates back to at least Blackstone, who defined a tort as a 'private wrong of the civil rights which belong to individuals considered merely as individuals.' [sic] whereas a crime represents a 'public wrong or a breach of and violation of the public rights and duties, due to the whole community in their social aggregate capacity.'" Steele concludes that a contractual release is akin to a license to commit "capital murder and intentional homicide."

Although Steele mentions that the trial court erred in granting Spring Valley’s motion for summary judgment and Florance and Fitzwater’s motion to dismiss, his analysis of these issues consists solely of a disjointed recitation of miscellaneous legal authorities. Steele offers no legal analysis of his position or any citation to the record. Indeed, Steele’s brief is completely devoid of record references. He has, therefore, preserved nothing for our review. *See Hernandez v. Dallas Indep. Sch. Dist.*, No. 05-17-00227-CV, 2018 WL 1835692, at \*2 (Tex. App.—Dallas Apr. 19, 2018, no pet.) (mem. op.) (“Because Hernandez’s brief is unsupported by appropriate citations to the record, he has preserved nothing for our review.”). Because Steele has failed to comply with the briefing requirements of our appellate rules after having been given the opportunity to do so, we dismiss his appeal. *See* TEX. R. APP. P. 42.3.

### CONCLUSION

Steele failed to comply with our appellate rules’ briefing requirements after this Court gave him an opportunity to do so. Accordingly, we dismiss his appeal.

/Robbie Partida-Kipness/  
ROBBIE PARTIDA-KIPNESS  
JUSTICE

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

**JUDGMENT**

COREY STEELE, Appellant

No. 05-19-00988-CV        V.

MARK HUMPHREYS, ET AL.,  
Appellee

On Appeal from the 193rd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. DC-19-04082.  
Opinion delivered by Justice Partida-  
Kipness. Justices Myers and Reichel  
participating.

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

It is **ORDERED** that appellee MARK HUMPHREYS, ET AL. recover their  
costs of this appeal from appellant COREY STEELE.

Judgment entered this 3rd day of November, 2020.