

Remanded and Memorandum Opinion and Memorandum Concurring Opinion filed July 28, 2022.



In The

Fourteenth Court of Appeals

NO. 14-21-00105-CV

IN THE MATTER OF W.A.M.P.

**On Appeal from the 315th District Court
Harris County, Texas
Trial Court Cause No. 2020-00197J**

MEMORANDUM CONCURRING OPINION

I reluctantly dispose of issue 4 on factual sufficiency in the court's opinion because I recognize that current Texas jurisprudence continues to wish Texas Constitution article V, section 6—the factual conclusivity clause—away in criminal and quasi-criminal cases. *See* Tex. Const. art. V, § 6.

While I believe that *Brooks v. State* is constitutionally unsound, *Brooks* remains the controlling case law and this court has followed along in juvenile-justice cases as well. *Brooks*, 323 S.W.3d 893 (Tex. Crim. App. 2010).

Hoping that things will not always be this way, I reluctantly concur in the judgment regarding factual sufficiency.

/s/ Charles A. Spain
Justice

Panel consists of Justices Wise, Spain, and Hassan.