

APPENDIX A:

State Civil Court

Dismissal

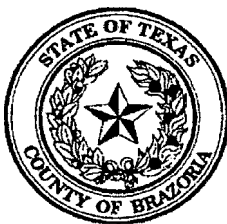
18

APPENDIX B:

State Appellate Court

Dismissal

111 E. Locust, Suite. 500
Angleton, TX 77515



979-864-1316
979-388-1316
281-756-1316

www.brazoriacountytx.gov

DONNA STARKEY
DISTRICT CLERK
BRAZORIA COUNTY

FILED
14th COURT OF APPEALS
HOUSTON, TEXAS
5/5/2022 1:53:34 PM
CHRISTOPHER A. PRINE
Clerk

NOTICE OF ASSIGNMENT ON APPEAL

May 05, 2022

TO: FOURTEENTH COURT OF APPEALS

RE: Cause No. 116189-CV, in the 149th District Court

Style: LUCAS NELSON VS. ROBYN GRIFFITH

CASE INFORMATION:

DATE OF APPEALABLE ORDER/JUDGMENT: 04/12/22
NOTICE OF APPEAL: 05/05/22
MOTION FOR NEW TRIAL: NO
ORDER OVERRULING MOT N/T N/A
REQUEST FOR FINDING OF FACTS AND CONCLUSIONS OF LAW FILED: NO
REQUEST FOR CLERK'S RECORD: NO
REQUEST FOR REPORTERS RECORD FILED: NO
METHOD OF DELIVERY: TAMES PORTAL
JUDGE PRESIDING: TERRI HOLDER
COURT REPORTER: STACY THOMAS

APPELLANT: LUCAS NELSON
TDCJ # 02220659, ELLIS UNIT,
1697 FM 980; Huntsville, TX 77343
ATTORNEY(S) FOR APPELLANT: LUCAS NELSON, PRO SE
TEL.: NONE
FAX: NONE
EMAIL ADDRESS: NONE
TEXAS BAR NO.: N/A

APPELLEE: ROBYN GRIFFITH
ATTORNEY FOR APPELLEE: THOMAS SELLECK
TEL: 979-864-1230
FAX: 979-864-1712
EMAIL ADDRESS: bcdaeservice@brazoria-county.com
TEXAS BAR NO.: 18010500

MAY 05 2022

Donna Starkey
Clerk of District Court Brazoria Co. TX
BY DEPUTY

CAUSE NO. 116189-CV

Lucas Nelson	§	IN THE DISTRICT COURT
vs.	§	ANGLETON, TEXAS
Robyn Griffith	§	149th JUDICIAL DISTRICT

NOTICE OF APPEAL

This Notice of Appeal is filed pursuant to the Texas Rule of Appeal Procedure 26.1 by Lucas Nelson, Appellant, a party to this proceeding who seeks to alter the trial court's judgment dated April 12, 2022:

1. The trial court, cause number, and style of this case are shown in the caption above. The Judgment was signed on April 12, 2022 ("Judgment"): **Order on Motion to Dismiss a Frivolous Inmate Claim.**
2. Lucas Nelson desires to appeal all portions of the Judgment.
3. This Appeal is being taken to the 149th District Court of Appeals, in Angleton, Texas.
4. This notice of Appeal is being signed by Lucas Nelson.
5. The Appellant Lucas Nelson is a party affected by the trial court's Judgment but did not participate - either in person or through counsel - in the hearing or any proceedings that resulted in the Judgement.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and investigation.

Respectfully submitted on this 5th day of May, 2022



Lucas Nelson, Defendant

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Amy Woods on behalf of Ryan Erickson
Bar No. 24091875
amyw@brazoria-county.com
Envelope ID: 61720699
Status as of 2/15/2022 7:57 AM CST

Associated Case Party: Robyn Griffith

Name	BarNumber	Email	TimestampSubmitted	Status
Ryan Erickson		ryane@brazoria-county.com	2/14/2022 1:51:15 PM	SENT
Amy Woods		amyw@brazoria-county.com	2/14/2022 1:51:15 PM	SENT

THE STATE OF TEXAS }
COUNTY OF BRAZORIA }

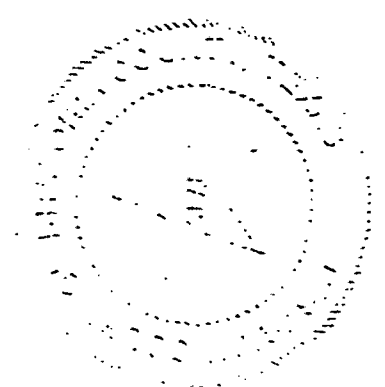
I, DONNA STARKEY, Clerk of the District Court within and for Brazoria County, Texas, do hereby certify that the above and foregoing is a true and correct copy of Order on Motion to Dismiss a Frivolous Inmate Claim in Cause No. 116189-CV, styled Lucas Nelson vs. Robyn Griffith as the same appears on the file in the Office of the Clerk of the District Court of Brazoria County, Texas.

Given under my hand and the seal of said Court on this 22nd day of April, 2022.

DONNA STARKEY
Clerk, District Court,
Brazoria County, Texas

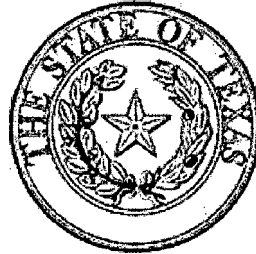


Tracy Weeks
Tracy Weeks, Deputy



Justices

KEN WISE
KEVIN JEWELL
FRANCES BOURLIOT
JERRY ZIMMERER
CHARLES A. SPAIN
MEAGAN HASSAN
MARGARET "MEG" POISSANT
RANDY WILSON



Chief Justice

TRACY CHRISTOPHER

Clerk

DEBORAH M. YOUNG, CLERK OF THE
COURT
PHONE 713-274-2800

Fourteenth Court of Appeals

301 Fannin, Suite 245
Houston, Texas 77002

Tuesday, September 12, 2023

Tom Selleck
111 East Locust
Suite 408-A
Angleton, TX 77515
* DELIVERED VIA E-MAIL *

Ryan Erickson
111 E Locust St
Angleton, TX 77515
* DELIVERED VIA E-MAIL *

Lucas Nelson
124 Vallet Vista Dr.
Burleson, TX 76028

Trey David Picard
Assistant District Attorney
111 East Locust St.
Suite 408A
Angleton, TX 77515
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 14-22-00329-CV
Trial Court Case Number: 116189-CV

Style: Lucas Nelson v. Robyn Griffith

Please be advised that on this date the Court **DISMISSED AS DUPLICATIVE APPELLANT'S** motion for rehearing filed August 31, 2023 in the above cause. The motion was **DENIED**.

Panel Consists of Justices Zimmerer, Spain and Poissant.

Sincerely,

A handwritten signature in cursive script that reads "Deborah M. Young".

Deborah M. Young,
Clerk of the Court

Justices

KEN WISE
 KEVIN JEWELL
 FRANCES BOURLIOT
 JERRY ZIMMERER
 CHARLES A. SPAIN
 MEAGAN HASSAN
 MARGARET "MEG" POISSANT
 RANDY WILSON



Fourteenth Court of Appeals

301 Fannin, Suite 245
 Houston, Texas 77002

Chief Justice

Tracy Christopher

Clerk

DEBORAH M. YOUNG, CLERK OF THE
 COURT
 PHONE 713-274-2800

Tuesday, February 27, 2024

Brazoria County, District Clerk
 Brazoria County District Clerk
 111 E. Locust St., Ste 500
 Angleton, TX 77515
 * DELIVERED VIA E-MAIL *

Tom Selleck
 111 East Locust
 Suite 408-A
 Angleton, TX 77515
 * DELIVERED VIA E-MAIL *

Lucas Nelson
 124 Vallet Vista Dr.
 Burleson, TX 76028

Ryan Erickson
 111 E Locust St
 Angleton, TX 77515
 * DELIVERED VIA E-MAIL *

Judge, 149th District Court
 Brazoria County Courthouse
 400 N. Velasco
 Angleton, TX 77515
 * DELIVERED VIA E-MAIL *

Trey David Picard
 Assistant District Attorney
 111 East Locust St.
 Suite 408A
 Angleton, TX 77515
 * DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 14-22-00329-CV
 Trial Court Case Number: 116189-CV

Style: Lucas Nelson
 v.
 Robyn Griffith

Please be advised that on this date the mandate was issued in the above cause. You may obtain a copy of the Court's mandate and all related documents by visiting the Court's website at <http://www.search.txcourts.gov/CaseSearch.aspx?coa=coa14>. Pursuant to Texas Government Code, Sec. 51.204(b), exhibits on file with the court, if any, will be destroyed three years from this date. As required by the Texas Government Code, Sec. 51.204 (d)(e), we are also notifying the trial court clerk that we will destroy all records filed in respect to this case with the exception of indexes, original opinions, minutes and general court dockets, no earlier than six (6) years from the date of mandate in all civil cases and 25 years in criminal cases with a sentence of 20 years or less.

Sincerely,

\s\ Mary Zamarron
 Deputy Clerk

APPENDIX C:

Supreme Court of Texas

Dismissal

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON v. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

LUCAS NELSON
DELIVERED VIA POSTAL MAIL

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON V. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

MR. TREY DAVID PICARD
ASSISTANT DISTRICT ATTORNEY
111 EAST LOCUST ST., SUITE 408A
ANGLETON, TX 77515
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON v. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

THOMAS J. SELLECK
BRAZORIA COUNTY DISTRICT ATTORNEY'S
OFFICE
111 E LOCUST ST
ANGLETON, TX 77515-4642
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON v. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

DISTRICT CLERK BRAZORIA COUNTY
BRAZORIA COUNTY COURTHOUSE
111 E. LOCUST SUITE 500
ANGLETON, TX 77515-4678
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON V. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

MS. DEBORAH M. YOUNG (14TH COA)
CLERK, FOURTEENTH COURT OF APPEALS
301 FANNIN STREET, RM 245
HOUSTON, TX 77002
* DELIVERED VIA E-MAIL *

Case:

23-0894

Date Filed:

10/30/2023

Case Type:

Petition for Review under Tex. R. App. P. 53.1

Style:

LUCAS NELSON

v.:

ROBYN GRIFFITH

APPELLATE BRIEFS

Date	Event Type	Description	Remarks	Document
01/26/2024	Amended motion for rehearing	Relator	Amended Motion for Rehearing filed on behalf of Lucas Nelson.	[PDF/1.29 MB]
01/22/2024	Motion for Rehearing	Rehearing filed in Petition for Review	Motion for Rehearing filed on behalf of Lucas Nelson.	[PDF/98 KB] [PDF/36 KB] Notice
10/27/2023	Petition for Review	Petitioner	Petition for Review filed on behalf of Lucas Nelson.	[PDF/22.74 MB] [PDF/28 KB] Notice [PDF/37 KB] Notice

CASE EVENTS

Date	Event Type	Disposition	Remarks	Document
02/23/2024	Notice sent to Court of Appeals			[PDF/143 KB] Notice
02/23/2024	Motion for Rehearing - Disposed	Denied		[PDF/36 KB] Notice
01/26/2024	Amended motion for rehearing		Amended Motion for Rehearing filed on behalf of Lucas Nelson.	[PDF/1.29 MB]
01/23/2024	Case forwarded to Court			
01/22/2024	Motion for Rehearing		Motion for Rehearing filed on behalf of Lucas Nelson.	[PDF/98 KB] [PDF/36 KB] Notice

Date	Event Type	Disposition	Remarks	Document
01/05/2024	Petition for Review disposed	Denied		[PDF/36 KB] Notice
11/28/2023	Case forwarded to Court			
10/30/2023	Clerk's Record			
10/27/2023	Petition for Review		Petition for Review filed on behalf of Lucas Nelson.	[PDF/22.74 MB] [PDF/28 KB] Notice [PDF/37 KB] Notice

CALENDARS

Set Date	Calendar Type	Reason Set	Remarks
02/23/2024	Case Stored	Case stored.	e-stored

PARTIES

Party	PartyType	Representative
Nelson, Lucas	Petitioner	Lucas Nelson
Griffith, Robyn	Respondent	Ryan Erickson Mr. Trey David Picard Thomas J. Selleck

COURT OF APPEALS INFORMATION:

COA Case

14-22-00329-CV

Disposition

Affirmed

Opinion Cite

___ SW3d ___, 08-17-23

COA District

14th Court of Appeals

COA Justice

Honorable Charles Spain

TRIAL COURT INFORMATION

Court

149th District Court

County

Brazoria

Court Judge

Honorable Terri Tipton Holder

Court Case

116189-CV

Reporter

Punishment

To view or print PDF files you must have the Adobe Acrobat® reader. This software may be obtained without charge from Adobe. Download the reader from the Adobe Web site

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON v. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

LUCAS NELSON
DELIVERED VIA POSTAL MAIL

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON v. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

MR. TREY DAVID PICARD
ASSISTANT DISTRICT ATTORNEY
111 EAST LOCUST ST., SUITE 408A
ANGLETON, TX 77515
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON V. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

THOMAS J. SELLECK
BRAZORIA COUNTY DISTRICT ATTORNEY'S
OFFICE
111 E LOCUST ST
ANGLETON, TX 77515-4642
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON v. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

DISTRICT CLERK BRAZORIA COUNTY
BRAZORIA COUNTY COURTHOUSE
111 E. LOCUST SUITE 500
ANGLETON, TX 77515-4678
* DELIVERED VIA E-MAIL *

FILE COPY

RE: Case No. 23-0894
COA #: 14-22-00329-CV
STYLE: NELSON V. GRIFFITH

DATE: 2/23/2024
TC#: 116189-CV

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

MS. DEBORAH M. YOUNG (14TH COA)
CLERK, FOURTEENTH COURT OF APPEALS
301 FANNIN STREET, RM 245
HOUSTON, TX 77002
* DELIVERED VIA E-MAIL *

NO: _____

=====

IN THE
SUPREME COURT OF THE UNITED STATES

Lucas Randall Nelson, Petitioner

v.

Robyn Griffith, Respondent

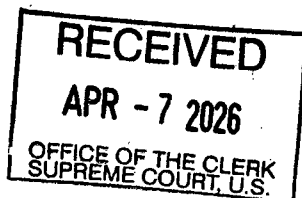
ON PETITION FOR A WRIT OF CERTIORARI
TO

Supreme Court of Texas

PETITION FOR WRIT OF CERTIORARI

Lucas Randall Nelson
Alfred D Hughes Unit
c/o: 3201 FM 929
Gatesville, Texas [76528]

SUPPLEMENTAL INDEX



Affirmed and Memorandum Opinion filed August 17, 2023.

In The

Fourteenth Court of Appeals

NO. 14-22-00329-CV

LUCAS NELSON, Appellant V.

ROBYN GRIFFITH, Appellee

On Appeal from the 149th District Court Brazoria County, Texas

Trial Court Cause No. 116189-CV

MEMORANDUM OPINION

In this appeal, pro se appellant Lucas Nelson, effectively argues that the trial court erred by dismissing his civil lawsuit pursuant to Civil Practice and Remedies Code chapter 14 (inmate litigation). Because Nelson's civil action is an impermissible attack on a criminal conviction, we

I. BACKGROUND

Lucas Nelson was convicted in 2018 of the second-degree felony of aggravated assault with a deadly weapon and sentenced to 20-years' imprisonment. In January 2022, he filed a civil suit against appellee Robyn Griffith, the assistant criminal district attorney representing the State in the 2018 criminal proceeding, attempting to attack his criminal conviction for want of subject-matter jurisdiction.¹

In April 2022, the trial court granted Griffith's 2 motion to dismiss Nelson's claims as frivolous or malicious pursuant to Civil Practice and Remedies Code chapter 14. See Tex. Civ. Prac. & Rem. Code Ann. § 14.003(2).³ Nelson timely filed a notice of appeal.

II. ANALYSIS

We review the claims of an inmate proceeding with liberality and patience. *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972); see *Minix v. Gonzales*, 162

¹ Nelson's brief introduces him as follows:

Now Comes Aggrieved party Lucas Nelson (hereinafter Aggrieved party), Sui Juris, Secured Party, NON-PERSON, NON-CITIZEN, NON-RESIDENT, NON-DEBTOR, NON-CORPORATED, NON-FICTION, NONSUBJECT, NON-PARTICIPANT in any government programs, a Living flesh and blood Man standing on the ground, Sovereign, under Special Appearance not Generally, NON-DEFENDANT, Holder-In-Due-Course of all of the "Entity" Cestui Que Vie trust Lucas Nelson ©TM, representing the Corporate Fiction LUCAS NELSON©TM. Under no circumstances is the Plaintiff "Pro Se" as this Complaint is filed under the Holder-In-Due-Course; Lucas Nelson of the "Cestui Que Vie Trust" of LUCAS NELSON.

² Griffith was represented by counsel with the Brazoria County Criminal District Attorney because Nelson's claims raise alleged actions or omissions by Griffith in her professional capacity as a prosecutor for the County.

³ Civil Practice and Remedies Code chapter 14 applies to actions, including appeals, brought by an inmate in which an affidavit or unsworn declaration of inability to pay costs is filed by the inmate. Tex. Civ. Prac. & Rem. Code Ann. § 14.002

S.W.3d 635, 637 n.1 (Tex. App.—Houston [14th Dist.] 2005, no pet.). While we must construe his petition liberally in the light most favorable to him, Nelson as a pro se litigant must comply with all applicable rules of procedure and substantive law. See *Burbage v. Burbage*, 447 S.W.3d 249, 258 (Tex. 2014) (explaining that courts may not stray from procedural rules simply because litigant represented self); *Sorrow v. Harris Cnty. Sheriff*, 622 S.W.3d 496, 501 (Tex. App.—Houston [14th Dist.] 2021, pet. denied).

After Nelson filed his appellate brief, Griffith filed a motion to strike the brief for failure to comply with the Texas Rules of Appellate Procedure. See Tex. R. App. P. 38.1. The motion was granted, Nelson's brief was stricken, and Nelson was ordered to file a brief complying with the Texas Rules of Appellate Procedure.

Although Nelson filed a second, amended brief, Griffith moved to strike the amended brief and dismiss the appeal for want of prosecution arguing the amended brief did not comply with the Texas Rules of Appellate Procedure.

Nelson's second brief raises the following five "points of review," which we quote without the original footnotes:

POINT 1:

POINT 2:

The Prosecutor; D/B/A: Robyn Griffith has the duty to place all fact(s) of jurisdiction upon the record as a necessary requirement of due process of law, AND without evidence, no such jurisdiction can be presumed to exist.

Since Robyn Griffith has remained silent thus refusing to prove jurisdiction on the official record, [i]t is the court's responsibility to prove it has subject matter jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the Plaintiff[']s right to due process of the law. Further, "When a judge acts where he

or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.” It is, in fact, the Defendant’s D/B/A: Robyn Griffith; responsibility to prove, on the record, that jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private administrative process, as was done herein.

POINT 3:

Point 4:

Point 5:

It is the Plaintiff[’]s right to challenge jurisdiction, and it is the Court[’]s duty to prove it exist[s]. Any proceeding which transpired without having jurisdiction proven or without the court ordering jurisdictional evidence being placed on the official, once challenged, constitutes fraud upon the court. Fraud in its elementary common law sense of deceit. . . includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, . . . and if he deliberately conceals material information from them he is guilty of fraud. Again, the question is, did the original court, in the aforementioned cause, have lawful jurisdiction?

The Lower Court erred [sic] in its decision to dismiss the Jurisdictional Challenge that was present[ed] to it. It is clear, that once jurisdiction is challenged, it is to be proven, by the party that asserted jurisdiction [i]n other words, the burden of proof of jurisdiction lies with the asserter in which is Robyn Griffith. The Lower Court was only to rule on []the sufficiency of the proof tendered, or in this instance the lack thereof.

The Judge(s)/Prosecutors; D/B/A: Robyn Griffith and/or any/all agent(s) has the duty to place all fact(s) of jurisdiction upon the record as a necessary requirement of due process of law. A Court “cannot confer jurisdiction” where none exists and cannot make a void proceeding valid. Defendant is not immune to any/all jurisdictional Cause(s).

Because we can discern the legal arguments advanced by Nelson, we deny appellee's motion to strike Nelson's second brief and decide Nelson's appeal on the merits. Tex. R. App. P. 38.1(h). Nelson's appellate points do not address any error committed by the trial court in the underlying civil case. Instead, Nelson's brief makes clear his primary legal issue is his allegation there was no subject-matter jurisdiction supporting his 2018 criminal conviction. However, Nelson's civil action was an impermissible civil attack on a final criminal conviction and was not an appropriate vehicle to reverse or vacate his conviction.

The exclusive post-conviction remedy in final felony convictions in Texas is through a writ of habeas corpus pursuant to Code of Criminal Procedure article 11.07. See Tex. Code Crim. Proc. Ann. art. 11.07; *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) ("We are the only court with jurisdiction in final post-conviction felony proceedings."); see also *Calton v. Schiller*, 498 S.W.3d 247, 252 (Tex. App.—Texarkana 2016, pet. denied). The post-conviction application for writ of habeas corpus must be filed with the court of criminal appeals. Therefore, the trial court did not have jurisdiction to reverse or vacate Nelson's felony conviction.

Nelson also could not properly seek any damages for wrongful imprisonment. See *Cooper v. Trent*, 551 S.W.3d 325, 337 (Tex. App.—Houston [14th Dist.] 2018, pet. denied) (civil tort claims which undermine validity of criminal conviction have no basis in law until conviction is reversed or invalidated); *Powell v. Hodgkins*, No. 14-22-00300-CV, 2023 WL 2422866, at *4 (Tex. App.—Houston [14th Dist.] Mar. 9, 2023, no pet. h.) (mem. op.) ("Under the Heck doctrine, an individual who has been convicted of a crime cannot bring a section 1983 claim that involves allegations inconsistent with the validity of his criminal conviction, unless he proves that the conviction or sentence 'has been

reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus.'") (quoting Heck v. Humphrey, 512 U.S. 477, 486–87 (1994)).

Therefore, we overrule all of Nelson's points, and affirm the trial court's April 12, 2022, judgment dismissing Nelson's civil claims as frivolous or malicious in nature under Civil Practice and Remedies Code section 14.003. See Tex. Civ. Prac. & Rem. Code Ann. § 14.003(a), (b).

/s/ Charles A. Spain Justice

Panel consists of Justices Zimmerer, Spain, and Poissant.