

AFFIRMED and Opinion Filed June 8, 2020



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

No. 05-19-00855-CV

**RUBY URQUHART, Appellant
V.
TERRY LEVOY MARSAW, Appellee**

**On Appeal from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-19-02519-E**

MEMORANDUM OPINION

**Before Justices Bridges, Pedersen, III, and Evans
Opinion by Justice Bridges**

Pro se appellant Ruby Urquhart appealed an adverse judgment from small claims court. The county court conducted a trial de novo and concluded appellant failed to sustain her burden of proof and entered a take-nothing judgment. We affirm.¹

¹ The underlying facts are unclear; however, appellant appears to argue appellee Terry Levoy Marsaw misused his authority as an attorney and committed fraud resulting in \$15,000 in damages based on a different attorney representing her son and assisting in posting a personal recognizance bond for his release from jail.

On November 13, 2019, this Court received a document that purported to be appellant's brief. On November 27, 2019, the Court sent appellant a deficient briefing notice explaining that, for numerous reasons, the document we received was inadequate to serve as a brief because it did not comply with Texas Rule of Appellate Procedure 38.1. *See* TEX. R. APP. P. 38.1(a-d), (f-j). We informed appellant that failure to comply with the letter within ten days could result in dismissal of the appeal without further notice. Appellant filed an amended brief on December 9, 2019.

The following is the "Nature of the Case" included in her amended brief in its entirety:

Plaintiff Ruby Urquhart bring[s] this action individually against Terry Levoy Marsaw misused his authority as an attorney of law and committed fraud to the plaintiff additionally, this resulted in major health issues for Ruby Urquhart seeking monetary damages of \$15,000.00 and will prove that the defendant is liable for these aforementioned allegations.

My witness Gregory Long was in court March 27, 2019 observed, notice, verbally abuse Ruby Urquhart.

Prayer for Relief

Initially, we must note a pro se litigant is held to the same standards as licensed attorneys and must comply with applicable laws and rules of procedure. *Strange v. Cont'l Cas. Co.*, 126 S.W.3d 676, 678 (Tex. App.—Dallas 2004, pet. denied). On appeal, as at trial, the pro se appellant must properly present its case. *Id.*

The rules of appellate procedure require appellant’s brief to contain “a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record.” TEX. R. APP. P. 38.1(h). An issue on appeal unsupported by argument or citation to any legal authority presents nothing for the court to review. *Strange*, 126 S.W.3d at 678; *Birnbaum v. Law Offices of G. David Westfall*, 120 S.W.3d 470, 477 (Tex. App.—Dallas 2003, pet. denied). Similarly, we cannot speculate as to the substance of the specific issues appellant claims we must address. *Strange*, 126 S.W.3d at 678. An appellate court has no duty to perform an independent review of the record and applicable law to determine whether the error complained of occurred. *Id.*

Appellant’s amended brief does not present issues for review, a summary of the argument, or a concise statement of facts with citations to the record. *See* TEX. R. APP. P. 38.1(f)-(h). She neither cites to any authority, discusses any applicable law, nor applies law to the facts. *Id.*; *see also Strange*, 126 S.W.3d at 678. Adequate briefing relevant to the issues is minimally required for this Court to review the proceedings below. Here, appellant’s brief fails to meet the minimum requirements of rule 38.1. As such, nothing is preserved for our review.

Accordingly, we affirm the trial court's judgment.

/David L. Bridges/
DAVID L. BRIDGES
JUSTICE

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

JUDGMENT

RUBY URQUHART, Appellant

No. 05-19-00855-CV V.

TERRY LEVOY MARSAW,
Appellee

On Appeal from the County Court at
Law No. 5, Dallas County, Texas
Trial Court Cause No. CC-19-02519-
E.

Opinion delivered by Justice Bridges.
Justices Pedersen, III and Evans
participating.

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

It is **ORDERED** that appellee TERRY LEVOY MARSAW recover his costs of this appeal from appellant RUBY URQUHART.

Judgment entered June 8, 2020.