Fourth Court of Appeals
San Antonio, Texas

January 25, 2017

No. 04-16-00335-CV

IN THE INTEREST OF A.M.,

From the 224th Judicial District Court, Bexar County, Texas
Trial Court No. 2015-CI-05876
Honorable Renée Yanta, Judge Presiding

O R D E R

Appellee's brief was due on January 23, 2017. Appellee has filed a one-page letter with this court stating the appeal should not proceed in this court because she is now living in Georgia and asserting without explanation that appellant's appeal lacks merit. A pro se party must comply with all applicable rules of appellate procedure. *In re A.D.A.*, 287 S.W.3d 382, 385 n.1 (Tex. App.—Texarkana 2009, no pet.). The Texas Rule of Appellate Procedure 38 contains specific requirements for an appellee's brief. *See* TEX. R. APP. P. 38.1, 38.2. Although only substantial compliance with Rule 38 is required, we may order a party to amend, supplement, or redraw a brief if it flagrantly violates Rule 38. *See* TEX. R. APP. P. 38.9(a).

To the extent appellee intended her letter to be her appellee's brief, we have determined that the following briefing defects described constitute flagrant violations of Rule 38.1 and Rule 38.2(a)(1) (requiring the appellees' brief to conform to the requirements of Rule 38.1 except does not need list of parties and counsel, statement of the case, issues, or facts, or appendix):

> the brief does not include a statement of the nature of the case and the course of the proceedings, supported by references to the record, TEX. R. APP. P. 38.1(d);
> the brief does not contain a statement of facts, TEX. R. APP. P. 38.1(g);
> the brief does not contain a summary of the argument, TEX. R. APP. P. 38.1(h);
> the brief does not include a clear and concise argument for the contentions made, TEX. R. APP. P. 38.1(i); and
> the argument does not contain appropriate citations to authorities and to the record, TEX. R. APP. P. 38.1(i).

We **order** appellee to file an amended brief by **February 9, 2017**. If a timely amended brief that corrects these deficiencies is not filed, we "may strike the brief, prohibit [appellee] from filing another, and proceed as if [appellee] had failed to file a brief." *See* TEX. R. APP. P. 38.9(a). This includes setting the case for submission without an appellee's brief.

Luz Elena D. Chapa, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 25th day of January, 2017.



Keith E. Hottle
Clerk of Court