

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Brian Jacob Cole v. Lindsey Renee Cole

No. 02-25-00229-CV · No. No. 02-25-00229-CV · Decided February 19, 2026

SUMMARY

This memorandum opinion addresses Brian Jacob Cole’s pro se appeal from a final divorce decree entered by the 271st District Court of Wise County, Texas. The court considers twelve issues, including attorney withdrawal, jurisdiction, due process, jury-trial waiver, judicial disqualification, briefing deficiencies, and property division. The court affirms the trial court’s judgment, largely concluding that the issues were unpreserved, inadequately briefed, unsupported by the record, or without merit.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Brian Walker; Kerr; Bassel; Walker
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	February 19, 2026
DOCKET	No. 02-25-00229-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final decree of divorce entered by the 271st District Court of Wise County, Texas. The appellant challenged the withdrawal of the appellee's attorney, jurisdiction, findings and evidentiary burdens, due process, cumulative error, the validity and timing of the decree, judicial disqualification, the denial of a jury trial, alleged judicial bias and obstruction, the division of the marital estate, and alleged fraud and parental alienation.
STANDARD OF REVIEW	Jurisdiction is reviewed de novo. The withdrawal of opposing counsel and the division of the marital estate are reviewed for abuse of discretion. Property-division review includes consideration of legal and factual sufficiency as relevant factors. Complaints about preservation, briefing, and the appellate record are reviewed under the applicable preservation and briefing rules.

PRECEDENTIAL VALUE	published memorandum opinion
PARTIES	Brian Jacob Cole v. Lindsey Renee Cole

TOPICS

dissolution of marriage equitable distribution child custody appellate procedure preservation of error

PRACTICE AREAS

family law appellate procedure civil procedure constitutional law

QUESTIONS PRESENTED

1. Whether Brian had standing to complain about the withdrawal of Lindsey's attorney.
2. Whether the trial court lacked jurisdiction because of an alleged failure to make a Title IV-D referral.
3. Whether the final decree was void or reversible because of allegedly insufficient evidence, missing findings, or an improper evidentiary burden.
4. Whether Brian preserved a due-process complaint concerning alleged restraints at the final hearing.
5. Whether Brian adequately briefed a cumulative-error claim.
6. Whether the delay in signing the final decree rendered it void.
7. Whether the trial court reversibly erred by failing to refer alleged motions to disqualify or recuse the judge.
8. Whether Brian forfeited his perfected right to a jury trial by failing to object before and during the beginning of the bench trial.
9. Whether Brian adequately briefed claims of judicial retaliation, bias, or prejudice.
10. Whether Brian adequately briefed a claim that court records were improperly withheld.
11. Whether Brian showed that the division of the marital estate was not just and right or constituted an abuse of discretion.
12. Whether Brian adequately briefed claims of fraud and parental alienation.

HOLDINGS

1. Brian failed to show that he had standing to complain about the withdrawal of Lindsey's attorney because he identified no injury to himself and cited no authority establishing such standing.
2. Brian failed to show that the trial court lacked jurisdiction over the divorce suit.
3. Brian waived his third issue because his briefing did not identify a discernible legal challenge supported by appropriate authority and record citations.
4. Brian's due-process complaint was unpreserved and unsupported by the appellate record.
5. Brian waived his cumulative-error issue because he failed to identify the alleged combined errors or provide adequate legal and record-based analysis.

6. Brian failed to show that the trial court's delay in signing the decree rendered it void.
7. Brian failed to demonstrate reversible error under Texas Rule of Civil Procedure 18a because the referenced motions were not included in the appellate record and their grounds were not articulated.
8. Brian forfeited his perfected right to a jury trial by failing to object before the bench trial began and by participating in the hearing before raising the jury demand.
9. Brian waived his claims of judicial retaliation, bias, prejudice, and obstruction because he provided only generalized assertions without adequate analysis or record citations.
10. Brian failed to show that the trial court abused its discretion by awarding Lindsey the investment property or that the marital estate was divided in a manner that was not just and right.
11. Brian waived his claims concerning fraud and parental alienation because his briefing consisted of generalized assertions without adequate explanation, legal analysis, or record citations.

KEY QUOTATIONS

“But a perfected right to a jury trial in a civil case may be waived by a party’s failure to act when the trial court proceeds with a bench trial.” (at 16)

“Without such findings, we cannot know the basis for the trial court’s division of the marital estate, the values assigned to the community assets and debts, or the percentage of the marital estate awarded to each party.” (at 23-24)

“Because arguments raised on appeal that are unsupported by analysis or appropriate citation to legal authority and to the record present nothing for us to review, we are unable to evaluate the merits of this issue.” (at 10)

FACTUAL BACKGROUND

Brian and Lindsey married in 2011, had two children, and separated in February 2019. Lindsey testified that Brian assaulted her on the day she moved out, that she thereafter cared for the children, and that Brian sold the marital residence, lake house, furniture, and her belongings without compensating her. The trial court granted the divorce, awarded Lindsey the investment property, and appointed her sole managing conservator of the children.

PROCEDURAL HISTORY

Lindsey filed for divorce in February 2019. After the Wise County Court at Law Number 2 judge recused himself, the case was transferred to the 271st District Court in November 2021. Brian's attorney withdrew, Brian proceeded pro se, and the trial court held a final hearing on January 27, 2025. The trial court granted the divorce, awarded Lindsey the investment property, appointed her sole managing conservator of the children, and signed the final decree on May 19, 2025. Brian appealed, and the court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- In re T.N., 142 S.W.3d 522, 524 (Tex. App.—Fort Worth 2004, no pet.)
- Villegas v. Carter, 711 S.W.2d 624, 626 (Tex. 1986)
- Moss v. Malone, 880 S.W.2d 45, 50 (Tex. App.—Tyler 1994, writ denied)
- Reiss v. Reiss, 118 S.W.3d 439, 443 (Tex. 2003)
- Bonsmara Nat. Beef Co. v. Hart of Tex. Cattle Feeders, LLC, 603 S.W.3d 385, 390 (Tex. 2020)
- Office of Att’y Gen. v. C.W.H., 531 S.W.3d 178, 183 (Tex. 2017)
- Gunderson v. Nat’l Indoor RV, LLC, No. 02-24-00025-CV, 2024 WL 3365233, at *2 (Tex. App.—Fort Worth July 11, 2024, pet. denied) (mem. op.)
- Horton v. Stovall, 591 S.W.3d 567, 569 (Tex. 2019)
- Bushell v. Dean, 803 S.W.2d 711, 712 (Tex. 1991) (op. on reh’g)
- Lenz v. Lenz, 79 S.W.3d 10, 13 (Tex. 2002)
- Blackburn v. Blackburn, No. 02-12-00369-CV, 2015 WL 2169505, at *9 (Tex. App.—Fort Worth May 7, 2015, no pet.) (mem. op.)
- Huston v. United Parcel Serv., Inc., 434 S.W.3d 630, 636 (Tex. App.—Houston [1st Dist.] 2014, pet. denied)
- Christiansen v. Prezelski, 782 S.W.2d 842, 843 (Tex. 1990) (per curiam)
- Gen. Motors Corp. v. Gayle, 951 S.W.2d 469, 476 (Tex. 1997) (orig. proceeding)
- In re W.G.O., III, No. 02-12-00059-CV, 2013 WL 105661, at *2 (Tex. App.—Fort Worth Jan. 10, 2013, pet. denied) (mem. op.)
- In re D.R., 177 S.W.3d 574, 580 (Tex. App.—Houston [1st Dist.] 2005, pet. denied)
- Walker v. Walker, 619 S.W.2d 196, 198 (Tex. Civ. App.—Tyler 1981, writ ref’d n.r.e.)
- In re E.S., No. 02-20-00407-CV, 2021 WL 2149627, at *4 (Tex. App.—Fort Worth May 27, 2021, pet. denied) (mem. op.)
- Sunwest Reliance Acquisitions Grp., Inc. v. Provident Nat’l Assurance Co., 875 S.W.2d 385, 387 (Tex. App.—Dallas 1994, no writ)
- Murff v. Murff, 615 S.W.2d 696, 698-99 (Tex. 1981)
- Barras v. Barras, 396 S.W.3d 154, 164 (Tex. App.—Houston [14th Dist.] 2013, pet. denied)
- Rosemond v. Al-Lahiq, 331 S.W.3d 764, 766-67 (Tex. 2011)
- Brown v. Wokocha, 526 S.W.3d 504, 507-08 (Tex. App.—Houston [1st Dist.] 2017, no pet.)
- Goode v. Garcia, No. 01-20-00143-CV, 2021 WL 6015296, at *6 (Tex. App.—Houston [1st Dist.] Dec. 21, 2021, no pet.)
- Shields Ltd. P’ship v. Bradberry, 526 S.W.3d 471, 480 (Tex. 2017)
- Gray v. Nash, 259 S.W.3d 286, 294 (Tex. App.—Fort Worth 2008, pet. denied)