

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS

Richard James Johnson v. Michael Venable, et al.

Johnson v. Venable · No. 07-15-00332-CV · Decided December 16, 2015

OPINION

PER CURIAM.

gtc~t)rd Jo.IMe.S JJI\~Sc" TDC:~- i D#-rot.:~Sb\$5 q ':ra~~s V. 1\1\rebuA\J DEC 1R 2015 2t c I FM ~b 9 flul'-1-k ICJ WA 9~R k /f?(76367 (\ erk 12.-&-15 c~ut+ 6t APP~Al~ ~LV~i"fh Ot~trl.l o.f l~')(o..~ 561 S. F~\W\6(Q..,~u.~~2-A Afl\ l).r ~ \ (\tl, T~- 7 qfa 1- 2. If lf q RE: co.s('_ f\u.IM.b~r: D7-l5- o0332 -c.v ~tdo.\ l.ou.c.\. (o.\$-~~u~\,ltl'~ l6\02'2 -D ~~yl~ ~ ~i~CMJ }I)..M.~~ 'T~kns~n \1, N\..~t.h~~l Ver\A b\~ De.w t \~ck: Th e t. tlo~ l"5 r \ ~ H ~ A-flp elIAA.t.s. br~tc b. copy j w k:d, rs u.11o lv\ o.~e ~ -k J"- L '~PFJ l.~t S c.t4 ~ ~I {} . (c' J }.

L\\ tr ~ e. JA~~tf ~ke.o. OFFtde DF ATTORNEY ~ENERAL P(),~oX {25lf-B CAPIT~t STAFF oN AU~TI"-L 1K?g!lf - CftS'i.. No. DI-15-Do332-Cit 'TRIAL till RT cAS. f. 1\fo./01022- 0{-, ""1 " DEC 1R 2015 UEIF 1~T1-:. <:~~ ~ \':I ' Rltl-JARD JAMES:TDtiNSD\lt, 5 COURT (jF APPEALS APPELLIINT, Pf<D J:t:, ~ ~EVENTII D1STRI(T V~. 5 DF § MtU~EL V~Nt1BLE., E.7 AL, § TEXAS:, AP4~LlEE \$. § POTTER (CUM T't APPELLANT ~s 1SRlE_F T<J TWE J-f(Q\N)RA:'BL("JUDGE O'f ~A-ID C6LAR\ (DME_S Now 1Zttl-l AP~:5AMES:50# Ill.S oN. t+P PELLIA ~IT, PR t>.C E, ~fLE~ Tf~ff~ HIS 4-PPULANT'S f?.,R.rf.F,'"4NO l/ ~T~ TilE 'F'ofltJW!Alfo 11 A-ND »ER£ 11\1 I t\1 ~U.

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\M ~.U.l~17. \f)\f l.td. 1J!lg ltQi?;,9) Ptta.tAo \1. v.,n<.e.r.

7l f.lJ 6\t\biJ (s~.t.r. 19%) Pu;~~e. \l. ~thn. 31.f.~ F.1A C.11f. C.r-t~c:r. 2<>iD3J Pn.s\~t) V.
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SiS U.S~ lf7A (lqq6) \lo.\~e.SV.Lri!>sby.'+SOF.3dl1.3'. _ V"TAC. t.\1\L Pete. \.RtM. l.bt\£.
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\~q~h\ 'f0'3 bd. C.\r.lqq\)\ V. STA1EME.N OF THE l.A~E Dn \\\u\fl~~u 1C>.

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~lo~~~iOn~n \t.\~\C\het', Q.t'l~.\-,Jt~l-- u:~VV'.S. b.~a)l\~.;,\- II 1DC.~
(..euf..L+~cr\G\1:>.\oSt 'vv--~~.;us \'" 4~'ic \tv.hv~.w.\ LlkfCA.t.1~k.i.

On. lJ~<-t..~btr /. 1..0 l't Appe.-\D-A~S t:a~J..S.~S.J o.Lktb\ "1 w-ue...di~""lss~ ~"~ c.'-""P~r
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M{).y 1L2 cl3 l) V\ ~, 2.0 l~. ~l~>~"~'lt.C./App~\o.,Xs e.o.s.~ wus.+r-o.">~.(r~ ~l'o\M. l~<-
IDt, Jt..

'J... ~ ~ -fo.\ ~tt..~v...J. 0\s~rtt-.C..ov.r~. -"On Novth~\ber 15.1013 Appti\M~\-'J Lo.u5f.S. o..C Clc.-\h.'" w~Jt t.l.jo.\n JLS.m\>s~ WI~-- Cl-P..l-H 1lf o1' Jt.e "f e. 'l<o.S Chr\ ' ~(a.<.JkQ... ~ ~~~~~~.che.s to~u. <)>J\ A~fJ.. \n flppQ.. \o.~ ~\tt~ Y\>IH t 6~ J:\~p~o.. \. () 1\ 'D-t.c_~Y\1\~&Z.r i1. 20 P.f.j.\.t. 'fj.h b\~ri<.\~ L6v.r~ e~ A~fe"i ~v.llri~~ c.~ 1~1'1'\ctl'!ciJ i ria) LD\1\ri-J ~ l.\$ \V'.H 5.

1A \ ~!i.f • four.\. a.9o."\" d1sM\s.S..~ App~\o~~+~fs. f.t.o.~es. ot u~:.\~oA un~1r C. r.&....W\....._a.ry Dn Au~usA 11., 1t'l\S lrt..1\ Ju. J C)"" e 1\..- • l'l (j Ap?C?\\O-A>t- --t~\t..5> ~s \'\~u~ ~-pfH.ul """"~o~ l~u..- cr\w. v. ISSUE~ PRE.S£NTED 1.. Tria\ C.oar<\ ~bu.sJ \+~ ~ts(H..\o.,W~e..-..\k~ Tu.Jg~ Y!'a~e..+h~ loU aW~:3 s.t-li\+1(~~..Js a.+ +tt~ ke..o.r~n')~ I\~ Aeas."~ r~akt.

O..ny Jl:~t~rent~ Who..\ I b.e..\~r<:v.C.. ~.. Repor~er'£ R~t~r~£.p~e..1'f H... e:s 11f-l.5 II I'~ c\~u n\ 'Mo.\u. o..l!\y chU~t!.r.V'(~." Rctp~r~tf 's RHor~S.. ~~~~t. 'l..S \}1'1~ 2. 1 ht. '1uJ~12... W"~ Sa.'f 11~'~ '-.\-...\a~ hL- Wl.lSn~ a.! ~1--.\~ he().d~:t -l-o M{.kil CMJ J (JJJe 1-V\~.-J~. T~e.. Ju~L ~~t.to.rJ ~ \..().- \- '\.t wc....S \"tu.rYb~ ot fb'\~\" \"~ o.n O"flfl""!")" 1.

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It'~ C.Ou ~ abv...i.J \:.. ' ~ d~t.St.(~h.e\ by 'Jner~l, f to.h"" ot Ar~\t,J.~t. ea~(. \-. 5.- \nil\ C.ov.c.\. o.b~J t~\S du'~ Co. "Tc~)'~\ c.~ur>.- a.\v.s. J \ \-r~:. d(_s..c.r~\o111 bv v(o)6~f.l\~ V71K Ov, fR.AC., ~ Kf.AA. t6 D'E ~ ~t'-' t:t (10 (a) trtqu.\r\~)."fk\~ kh t\}.J...~.. P"Qo.t... ~""<h~C)4.....~c c.b+u.l•l\ S,v.IIA""ary 3v..~,\~t\A~.

6 VI. STATE.ME.l\T Of fACTs. D"" ~tYu ~~u 2tJ, l.D\2 A~r.~\V""~.{\tl kt1 O~t_q~~\A \ p~(IA~ \1~~~" 4r Tor~ tlo.\~ G'.\, J 'l~o\CJ.. \br.~ ot \..~ T k~il-. ha k~h~+y Gl c:A In +t.._e_ I 0 &+~ J~A~ ~c..\GA 1OL~4N~rt ~v4 D-C ro~t+ v ~""~h~Y 'TR X(). s. ' lAl\ ~ JU':.t k~ ~ PiA \..t_ Ov\ ~ _s M lA +--ti; V1.4(. t~v~ I 9rGtdr~::~~ 'k ~~t~.e.~e~' lA~e..

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7 s ·o--')?~ f)1t \)? oJP vQ\\VJ~arC~~ d-J1t-t,1J-'(\\V'"4~ ~In.._C/Dl{v)t1?Y <;....
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JT'(1J 'l'H t"'it "1)""')~")r.)~ "ii\\")Qr tV~1ilJ& JP · "lt19.ld 'MO '1~ Qr c")ll~1v?r\\ Gv~J~n~"-J
r~u ~ ~ "t3\\t~j)~G~ i.,~"t\\,,~r\\"0,J~""J \\Q!J~ ~ '(::t)\\.:i) ~GJ \\1) YJ ~,1 '5 Et.Cl07 · w 3~ lf JI'Jid
""":1111\\ fvt t"Q\\~{"" ~ ~ VQ!..t-on 5~V S:\\ ~ ~~~n\\-a t'~9J \\Tl\\J l.' ~, rJn<S'} 6-f'IFJJV fl
c;vHVIJ 6""\\JQu~\\ i~ ~o•qtta-n5af "S.t~ ~~~('\\ iH~ y~lJL·h. -c;; ~ "" "" \\ -g.ao"} 'vt'JM J'8)f~~ -
I\\I\\")1/J.f\\ Gvt t"\\ ""{\\ ~ VO\\I"~J1<S'4-f' S',-\\ \\ ~~~""1"" 1 J""""J \\ '0 t.t l"" ~ 'VO{ i 6J:>'S lv
~"t! ~ "-?~""q, '/' · VI?)\\""t-.,~ 0 'f rar 1'1 Gv vn'1., t.,).vo 4ll \\tnt ~ ~ 'S"5 ~ ' d d" <;. t JM-;) l"
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1594 ~VtJ ·v~\\tJ-J1Sa~ "Jt~ bv,t-sn~V · v<O!v~d dQ \\~~-al u 0 6',_..~rvv}-) -)'9 Cl>)~ld'OJ V\\ ~
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~)tV\\A,f'O"~\\""C:., lvoollJt:l'-'4 Qt.J'01!1'1 -rau "-""!.. b'1 v J,'o-)v~Jttt\\f' l..vv ~7li0Vv\\ -t,v'So-
or i!), II ·a- 1\\ ~ ~ rq-cr I t~'1M ~7 V~J()-J1!}') AVYJ)-)1 'Q"" -t;\\An-or;;t!., ~~i'l?-tY ~~yns:. q.
"tl z·Gvnt }""ill?) _a~y \\II() --;JJ1!}! ~\\v-a,7tv\\-~r""(ju~ AJ'i'~~~~~~ ~vv)j:~vQ'~t'I7G1rJG?
~'So\\lt'OJ1~1v~IU\\VIJ 1,'-uo~y;.,~t><rJ \\PrJ...,f"-\\f J()lt P"1t 'ds-n \\v't;?

11~~A Yt-tn~ i)--"fl tlo""lt ~~~nG;-o),fv-opV1r~tf'?rf ""l""t r·)Q pv-8 VJ bv~r~""L.J<7
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J.N3wn~}JV:!Q ~~~ttwvvnS \\f\\ v ll\\ ARG.UMEN'T i:Tn a\\ "S.... j9e. a\\v.;~ ~)~ de..s.c.reJ}e."
by ~\\.c.l\\118! 11 1T Dot.S\\t\\ M\\k t A~"(\\J\\=fE.R£\\tE WHilll t\\E.L\\E.V£, " Rere.,!tr•.t
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wk~d, wayl~t.. ""S"~ci.J~t -ru.l~s f" J.~ ~IA+'\\11'11~'Y..., ucl~IM.e..n~.

The.. 3u.J'j ll'S. ~c.~t~+~"" hue_ ~cu cu~~}"~ VTAC CIViL~RlltTI(!;. A~lD Rt.M~D I~ s.
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p:....u:~J~o.n.. 1.. AtC.t:~d\\n~.\\-z:. VIA(L\\V IL f'~\\(\\ t(E ~ R'tMEi) 1£ ~ (J)D£ ~Itt; A Lf)! '
Forn--. o~ Aft~(!"'·,\\~. FUR1H£~ 1ES1\\MO~Y- 1 'A~Of~t"1a."J opposs\\glif~i!cw\\f.t
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o ~h.e_ t""-a-1--!-~ttS S,~o.\\t~ hHt.\\ i\\,U p \\ ll\\~~t~ Cl~t~'f\\J 4--c. obt. ~ ~LfS.bi\\Q\\.
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pros.\\J..''t.t""Ja.-1-h.tL Su\\1\\-\\""IA'Y J U. d ~tv\\ t.IV~ · \\h.e.....

U.u~..\ -..\-lu ~t,rt.. A'bi.)..sJ \FS J~_.St.rQ...,l..~!./'1 Wh.~ ~.\- ~V\r~J l-kfs Mo-l-~o~ ~.\. u:-
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tLE~~ lNf>~. A'bMASSio~, Aff\OAVIT~n Sll PUUXTtON.~ Df 11-tE.

PART ANt\ AUT~Ef\ "fIC.ATED ~R LERTIFIEO PUI3UL RfC6R05.!t=' nNY. bl\fiL£ A'l THf. t\
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fRRTY t s t;NTITLED 1 o"JUD~E.MEJ\..T fl5 ~ MATTER OF LAW OI\ \.1~E \S~\ES
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RD JAM ES JOHNSON, TD CJ No. 1005689, § IN TH E DISTRICT CO UR T OF § Plaintiff. §
v. § § PO TTE R CO UN TY, TEX AS § MIC HA EL VE NA BLE, etal., § § Defendants. § 320 th
JUD ICI AL DIS TR ICT DE FEN DA NT S' MO TIO N FO R SU MM AR Y JUD GM EN T
Before the Court is Def end ants ' Mo tion for Sum mar y Jud gm ent.

After conside ring Defendants' motion, and any response filed thereto, the Court is of the opinion-
that the followi ng order should issue: It is hereby OR DE RE D that Def endants' Mo tion for
Sum mar y,Jud gment 1s GR AN TED. All claims against Defend ants are dismissed with
prejudice as fri Signedonthls~yof¥ 2015. 1.4 50 79 4 \ ."