

# COURT OF APPEALS FIRST DISTRICT

Court of Appeals NO. 01-24-00989 CR

## APPELLANT BRIEF

EX PARTE MARCUS TYRONE GRANT (prose)  
Appellant

VS.

THE STATE OF TEXAS, WAIVER COUNTY

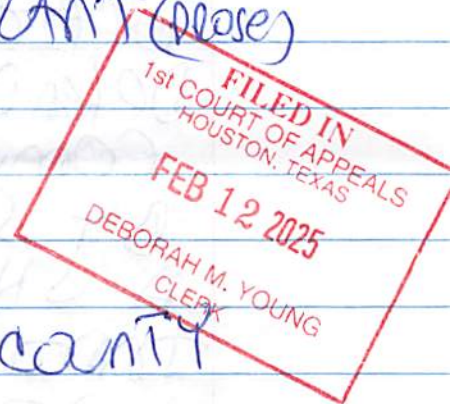
TRIAL COURT CASE NO. 24-10-19288

RE: UNLAWFUL COMMITMENT  
DENIAL OF LIBERTY WITHOUT  
DUE PROCESS

Ground of Error  
TRIAL COURTS ABUSE OF  
DISCRETION

- 1) Commitment orders NOT signed  
officially or properly authenticated  
BY ONE WITH AUTHORITY TO ACT.

[HEARING DATE]  
November 4<sup>th</sup> 2024  
506<sup>th</sup> Judicial District Court  
WAIVER COUNTY TEXAS  
(1)





## FACTS

ON JUNE 10<sup>th</sup> 2024 THE DEFENDANT  
APPEARED BEFORE CHARLES J. KARESH  
OFFICIAL FOR WAJIGE COUNTY. THE  
DEFENDANT WAS MISINFORMED AND  
COMMITTED TO JAIL & BOND  
BY SAID INDIVIDUAL WITHOUT  
A SHOW OF WHAT AUTHORITY SAID  
INDIVIDUAL PURPORTED TO ACT,  
AND IN DOING SO FAILED TO PLACE  
ANY OFFICIAL DESIGNATOR EMBLEMING  
OFFICE AND TITLE AS REQUIRED  
BY RULING LAW... THE APPELLANT  
HAS BEEN HELD IN AN UNLAWFUL  
RESTRAINT OF LIBERTY SINCE  
JUNE 10<sup>th</sup> 2024... ON NOVEMBER  
4, 2024, THE APPELLANT APPEARED  
BEFORE THE HONORABLE JUDGE GALEY  
W. CHANEY PRESIDING JUDGE OF  
THE 506<sup>th</sup> JUDICIAL DISTRICT  
UPON WRITTEN MOTION ATTACKING  
THE LAWFULNESS OF ALL COMMITMENT  
ORDERS. SAID COURT ABUSED ITS  
DISCRETION WHEN DENYING  
APPELLANT CLEAR AND WARRANTED  
RELIEF... THE APPELLANT NOW  
APPEALS....



## LAW & ANALYSIS

TO SATISFY DUE PROCESS REQUIREMENTS, BOTH A WRITTEN JUDGMENT OF CONTEMPT AND A WRITTEN COMMITMENT ORDER ARE NECESSARY TO IMPRISON A PERSON FOR CONSTRUCTIVE CONTEMPT OF COURT, SEE [EX PARTE AMAYA], 748 S.W.2d 224, 224-25 (TEX., 1988). AN ARREST WITHOUT A WRITTEN COMMITMENT ORDER MADE FOR THE PURPOSE OF ENFORCING A CONTEMPT JUDGMENT IS AN ILLEGAL RESTRAINT FROM WHICH THE PRISONER IS ENTITLED TO BE RELIEVED.

A DOCKET-SHEET NOTATION IS NOT ENOUGH OR SUFFICIENT TO SATISFY DUE-PROCESS REQUIREMENTS, A WRITTEN ORDER OF COMMITMENT IS REQUIRED.

[IN RE GRIFFITH], 434 S.W.3d 643, 646 (TEX. APP. HOUSTON [1ST DIST.] 2014)

[SEE COMMITMENT ORDERS]  
EXHIBITS # 2 THROUGH 4

§  
STATE LAW  
ARTICLE 2.09 C.C.P.  
WHO ARE MAGISTRATES



EACH OF THE FOLLOWING OFFICERS  
IS A MAGISTRATE WITHIN THE  
MEANING OF THIS CODE:

- ① THE JUSTICES OF THE SUPREME COURT.
- ② THE JUDGES OF THE COURT OF APPEALS
- ③ THE JUSTICES OF THE DISTRICT COURTS
- ④ THE COUNTY JUDGES
- ⑤ THE JUDGES OF THE COUNTY COURTS  
AT LAW
- ⑥ JUDGES OF THE COUNTY CRIMINAL  
COURTS
- ⑦ THE JUDGES OF THE STATUTORY PROBATE  
COURTS,

\*~~⑧~~ THE JUSTICES OF THE PEACE  
ARTICLE 2.09 TEX. CODE, CRIM. PROC....

§

BY VIRTUE OF ARTICLE 2.09  
CODE CRIM. PROC. A JUSTICE  
OF THE PEACE HAS THE AUTHORITY  
TO ACT AS A MAGISTRATE...

§

### AUTHORITY

[NEIDMAN VS. STATE] 16 S.W. 253,  
29 TEX. CRIM 360 (TEX. APP. 1891)

DESIGNATOR OF OFFICIAL CAPACITY...

HOLDING: THE ADDITION OF J.P. TO  
THE NAME "WIN GREER" WAS NOT



SUFFICIENT AS A DESIGNATOR OF OFFICIAL CAPACITY... IT MIGHT BE INFERRED THAT "J. P." WAS AN ABBREVIATION OF THE TERM "JUSTICE OF THE PEACE" BUT IN CRIMINAL PLEADING INFERENCES WILL NOT BE INDULGED TO SUPPLY SUCH DEFECTS... BEFORE THIS INFERENCE COULD BE INDULGED THE ADDITION OF THE TWO LETTERS SIGNIFYING THAT ~~HE~~ HE WAS SUCH JUSTICE OF THE PEACE MUST BE SUPPLIED LEGITIMATELY.. THIS WAS NOT DONE !! IN ORDER TO HOLD THE COMPLAINT VALID WE MUST SUPPLY THE DEFECTS BY AN INFERENCE BASED ON A PROVEN FORGERY.... THIS COURT WILL NOT DO... IF WIN GREER WAS A JUSTICE OF THE PEACE IN WAIVER COUNTY, HE WAS ALSO SUCH JUSTICE IN ONE OF THE PRESENTS IN WAIVER COUNTY. HE SHOULD HAVE SIGNED THE COMPLAINT OFFICIALLY, AND SO TESTED SAME. IF HE HAD ADDED TO HIS SIGNATURE THE LETTERS AND FIGURES "J. P."



PREC. NO. \_\_\_ W.C. (INDICATING  
THE COUNTY AND PRESENT) THIS  
WOULD HAVE BEEN DOUBLESS  
SUFFICIENT TO IDENTIFY HIS  
OFFICIAL CHARACTER....

§  
AS EVIDENCED BY ALL 4  
COMMITMENT ORDERS CHARLES  
J. KALESCH DIDN'T ADD OFFICE  
OR TITLE SIGNIFYING HIS  
AUTHORITY TO ACT AS A  
MAGISTRATE "BUT" INSTEAD  
SIGNED ALL COMMITMENT ORDERS  
AS A PRIVATE CITIZEN...

§  
AUTHORITY  
[MOREY V. STATE, 744 S.W.  
2d 668 (TEX. APP. 1988)] HELD:  
EVEN WHERE THE JURAT ON THE  
COMPLAINT REFLECTS THAT IT WAS  
SWORN TO BEFORE A NAMED  
PERSON BUT DOES NOT SHOW THE  
AUTHORITY OF SUCH PERSON TO ACT  
THE COMPLAINT IS VOID.

§  
RULING CASE LAW EVEN MANDATES  
THE SHOW OF AUTHORITY BY ONE TO ACT.  
(6)



## CONCLUSION

BECAUSE ALL COMMITMENT ORDERS WERE NOT PROPERLY AUTHENTICATED BY ONE WITH AUTHORITY OR IN OTHER WORDS BECAUSE CHARLES J. KARESH THE PRIVATE CITIZEN DID NOT ADD HIS OFFICIAL DESIGNATOR INDICATING WHAT OFFICE AND TITLE ARTICLE 2.09 C.C.P. EMPOWERS TO ACT AS A MAGISTRATE ALL COMMITMENT ORDERS ARE VOID AND OF NO EFFECT....

§

THE APPELLANT IS NOW IN UNLAWFUL RESTRAINT OF HIS LIBERTY AND IN THE BEST INTEREST OF JUSTICE APPELLANT'S IMMEDIATE RELEASE IS MANDATED...

§

THE APPELLANT DECLARES THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT THIS BEING UNDER PENALTY OF PERJURY

SIGNED ON THIS THE 6<sup>TH</sup> DAY OF ~~March~~ FEBRUARY 2025.

[7]

March T. Grant  
Prose - Appellant

EXHIBIT # 7

## COMMITMENT

THE STATE OF TEXAS  
THE COUNTY OF WALLER

TO THE SHERIFF OF WALLER COUNTY, TEXAS, GREETINGS:

YOU ARE HEREBY COMMANDED, THAT YOU RECEIVE AND  
PLACE IN THE WALLER COUNTY JAIL, GRANT, MARCUS TYRONE,  
WHO WAS BROUGHT BEFORE ME AND CHARGED WITH:  
POSS CS PG 1 >=4G<200G AND SAFELY KEEP HIM/HER  
UNTIL HE/SHE IS TO APPEAR AT THE NEXT TERM OF THE  
DISTRICT COURT, TO BE HELD IN WALLER COUNTY,  
TEXAS ON THE DATE DETERMINED. UNLESS HE/SHE GIVE GOOD  
AND SUFFICIENT BOND IN THE SUM OF \_\_\_\_\_ DOLLARS.

\$100,000.00  
HEREIN FAIL NOT, BUT OF THIS WRIT MAKE DUE RETURN.  
SHOWING HOW YOU HAVE EXECUTED THE SAME.

WITNESS MY SIGNATURE ON THE 10 DAY OF June, 20\_\_ A.D.

Charles J. Karsel  
JUDGE  
WALLER COUNTY, TEXAS

### SHERIFF'S RETURN

Came to hand on \_\_\_\_\_ at \_\_\_\_\_ O'clock and executed in Waller County,  
Texas by placing the above named subject into the Waller County jail on  
\_\_\_\_\_ at \_\_\_\_\_ O'clock.

Troy Guidry, Sheriff

BY \_\_\_\_\_

D-3



EXHIBIT #2

## COMMITMENT

THE STATE OF TEXAS  
THE COUNTY OF WALLER

TO THE SHERIFF OF WALLER COUNTY, TEXAS. GREETINGS:

YOU ARE HEREBY COMMANDED, THAT YOU RECEIVE AND  
PLACE IN THE WALLER COUNTY JAIL, GRANT, MARCUS TYRONE  
WHO WAS BROUGHT BEFORE ME AND CHARGED WITH:  
PROH SUBSTANCE/ITEM IN CORRECTIONAL FACILITY AND SAFELY KEEP HIM/HER  
UNTIL HE/SHE IS TO APPEAR AT THE NEXT TERM OF THE  
DISTRICT COURT, TO BE HELD IN WALLER COUNTY,  
TEXAS ON THE DATE DETERMINED. UNLESS HE/SHE GIVE GOOD  
AND SUFFICIENT BOND IN THE SUM OF \_\_\_\_\_ DOLLARS.

\$5,000.00  
HEREIN FAIL NOT, BUT OF THIS WRIT MAKE DUE RETURN.  
SHOWING HOW YOU HAVE EXECUTED THE SAME.

WITNESS MY SIGNATURE ON THE 10 DAY OF June, 2024 A.D.

Charles J. Kanisch  
JUDGE  
WALLER COUNTY, TEXAS

### SHERIFF'S RETURN

Came to hand on \_\_\_\_\_ at \_\_\_\_\_ O'clock and executed in Waller County,  
Texas by placing the above named subject into the Waller County jail on  
\_\_\_\_\_ at \_\_\_\_\_ O'clock.

Troy Guidry, Sheriff

BY \_\_\_\_\_

D. - e



EXHIBIT #3

**COMMITMENT**

THE STATE OF TEXAS  
THE COUNTY OF WALLER

TO THE SHERIFF OF WALLER COUNTY, TEXAS. GREETINGS:

YOU ARE HEREBY COMMANDED, THAT YOU RECEIVE AND  
PLACE IN THE WALLER COUNTY JAIL, GRANT, MARCUS TYRONE  
WHO WAS BROUGHT BEFORE ME AND CHARGED WITH:  
MAN/DEL CS PG 1>=1G<4G AND SAFELY KEEP HIM/HER  
UNTIL HE/SHE IS TO APPEAR AT THE NEXT TERM OF THE  
DISTRICT COURT, TO BE HELD IN WALLER COUNTY,  
TEXAS ON THE DATE DETERMINED, UNLESS HE/SHE GIVE GOOD  
AND SUFFICIENT BOND IN THE SUM OF \_\_\_\_\_ DOLLARS.

\$10,000.00  
HEREIN FAIL NOT, BUT OF THIS WRIT MAKE DUE RETURN.  
SHOWING HOW YOU HAVE EXECUTED THE SAME.

WITNESS MY SIGNATURE ON THE 19 DAY OF July, 2024 A.D.

Charles T. Karsch  
JUDGE  
WALLER COUNTY, TEXAS

**SHERIFF'S RETURN**

Came to hand on \_\_\_\_\_ at \_\_\_\_\_ O'clock and executed in Waller County,  
Texas by placing the above named subject into the Waller County jail on  
\_\_\_\_\_ at \_\_\_\_\_ O'clock.

Troy Guidry, Sheriff

BY \_\_\_\_\_

D- 1



EXHIBIT #4

**COMMITMENT**

THE STATE OF TEXAS  
THE COUNTY OF WALLER

TO THE SHERIFF OF WALLER COUNTY, TEXAS, GREETINGS:

YOU ARE HEREBY COMMANDED, THAT YOU RECEIVE AND  
PLACE IN THE WALLER COUNTY JAIL, GRANT, MARCUS TYRONE,  
WHO WAS BROUGHT BEFORE ME AND CHARGED WITH:  
MAN/DEL CS PG 1 >=1G<4G AND SAFELY KEEP HIM/HER  
UNTIL HE/SHE IS TO APPEAR AT THE NEXT TERM OF THE  
DISTRICT COURT, TO BE HELD IN WALLER COUNTY,  
TEXAS ON THE DATE DETERMINED. UNLESS HE/SHE GIVE GOOD  
AND SUFFICIENT BOND IN THE SUM OF \_\_\_\_\_ DOLLARS.

HEREIN FAIL NOT, BUT OF THIS WRIT MAKE DUE RETURN.  
SHOWING HOW YOU HAVE EXECUTED THE SAME.

WITNESS MY SIGNATURE ON THE 10 DAY OF June, 2024 A.D.

Charles J. Karvick

JUDGE

WALLER COUNTY, TEXAS

**SHERIFF'S RETURN**

Came to hand on \_\_\_\_\_ at \_\_\_\_\_ O'clock and executed in Waller County,  
Texas by placing the above named subject into the Waller County jail on  
\_\_\_\_\_ at \_\_\_\_\_ O'clock.

Troy Guidry, Sheriff

BY \_\_\_\_\_

D-4



HOUSTON TX RPDC 773

10 FEB 2025 PM 1 L



MR. MARCUS TYRONE GRANT AUG 3 9  
WALLER COUNTY JAIL m-2  
300 SHERIFF R. GLENN SMITH DR.  
HEMPSTEAD TEXAS 77445

Clerk

RECEIVED

FEB 10 2025

Initial: Jsharp

Inmate Correspondence  
Waller County Jail  
FEB 12 2025

FILED IN  
COURT OF APPEALS  
HOUSTON TEXAS  
DEBORAH M. YOUNG  
CLERK

COURT OF APPEALS  
FIRST DISTRICT

301 FANNIN STREET  
HOUSTON, TEXAS 77002-2066

LEGAL 77002-206699

