

TERRY W. CRIM	§	IN THE DISTRICT COURT
	§	
vs.	§	
	§	COLLIN COUNTY, TEXAS
COLLIN COUNTY,	§	
MATTHEWS, CARLTON, STEIN,	§	
SHIELS, PEARCE & KNOTT, L.L.P.	§	
and ROBERT J. DAVIS	§	296 TH JUDICIAL DISTRICT

ORDER DECLARING TERRY W. CRIM A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE & REMEDIES CODE CHAPTER 11, DECLARING CASE TO BE FRIVOLOUS, AND IMPOSING SANCTIONS AGAINST THE PLAINTIFF TERRY W. CRIM

Came on to be considered the MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 and the MOTION TO DISMISS PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 14 AND REQUEST FOR SANCTIONS filed in the above-referenced cause by Defendants MATTHEWS, CARLTON, STEIN, SHIELS, PEARCE & KNOTT, L.L.P. and Robert J. Davis. The Court, after examining the pleadings and evidence and all briefs submitted, together with authorities, and having considered written arguments of counsel and response of the Plaintiff pro se, is of the opinion and finds that such Motions have merit and should be **GRANTED**.

In support of this ORDER, the Court finds that there is no reasonable probability that the Plaintiff would have prevailed in the instant litigation and that in the seven year period immediately preceding the Plaintiff has commenced at least five litigations that have been finally determined adversely to the Plaintiff as well as several that have been determined to be frivolous under state or federal laws, in violation of TEX. CIV. PRAC. & REM. CODE §11.054(1). It has been brought to this Court's attention that the Plaintiff has commenced at least 11 lawsuits in addition to the instant case. Of those lawsuits, at least seven (7) have been finally determined adversely to the Plaintiff. The following is a listing of such cases and the Court's understanding of their status:

- (1) ***Terry W. Crim v. Collin County, et. al.***, Cause No. 296-02781-02, filed in the 296th District Court of Collin County. Collin County was dismissed by summary judgment on March 21, 2003, and severed into Cause No. 296-1007-03. The Plaintiff attempted to appeal such dismissal to the Dallas Court of Appeals under Case No. 0503-00864-CV. However, the Dallas Court of Appeals dismissed this appeal on August 6, 2003. Defendant Correctional Medical Services was dismissed on July 31, 2003, and severed into Cause No. 296-2192-03;
- (2) ***Terry W. Crim v. Jack M. Pepper***, Cause No. 296-01604-02, filed in the 296th District Court of Collin County. Defendant Pepper was dismissed by summary judgment on June 9, 2003, and it appears the Plaintiff attempted to file an appeal with the Dallas Court of Appeals under Case No. 05-03-00941-CV;
- (3) ***Terry W. Crim v. Dallas County Sheriff, et. al.***, Cause No. 02-05802-H, filed in the 160th District Court of Dallas County, Texas. Case dismissed on January 29, 2003.
- (4) ***Terry Crim v. Anheuser-Busch Inc.***, Cause No. 01-CV-1189, originally filed in the Eastern District of Texas Federal Court under Cause No. 01-CV-219, then transferred to the Eastern District of Missouri Federal Court. Case dismissed as “legally frivolous” by Judge Stohr on October 3, 2001;
- (5) ***Terry Crim v. USA***, Cause No. 01-CV-1094, filed in the Northern District of Texas Federal Court. Dismissed as “frivolous” by Judge Kendall on August 2, 2001;
- (6) ***Terry W. Crim v. TDC***, Cause No. 03-CV-16, originally filed in the Southern District of Texas Federal Court, under Cause No. 03-CV-28, and styled *Terry W. Crim v. Janie Cockrell*, transferred to and now pending in the Eastern District of Texas Federal Court. Magistrate Judge Bush has recommended dismissal;
- (7) ***Terry Crim v. State of Texas***, Cause No. 50,305-01, filed with the Texas Court of Criminal Appeals on September 4, 2001, and dismissed on October 3, 2001.
- (8) ***Terry Crim v. State of Texas***, Cause No. 50,305-02, filed with the Texas Court of Criminal Appeals on May 31, 2002, and dismissed on July 31, 2002;
- (9) ***Terry Crim v. State of Texas***, Cause No. 50,305-03, filed with the Texas Court of Criminal Appeals on May 31, 2002, and dismissed on July 31, 2002;
- (10) ***Terry Crim v. State of Texas***, Cause No. 50,305-04, filed with the Texas Court of Criminal Appeals on November 8, 2002, and dismissed on December 18, 2002;
- (11) ***Larry Neil Cross and Terry Wayne Crim v. Kirby Robinson, et. al.*** Cause No. 89-CV-228 filed in Eastern District of Texas Federal Court. Case closed and nature of dismissal unknown;

- (12) *Terry W. Crim v. Matthews, Carlton, et. al.*, Cause No. 401-1948-03. The instant litigation which the Plaintiff non-suited after the filing of Defendants' Motions to Dismiss and Motion to Declare Plaintiff a Vexatious Litigant.

The Court specifically finds that the Plaintiff meets all the criteria for being determined to be a Vexatious Litigant under both TEX. CIV. PRAC. & REM. CODE §11.054(1) and TEX. CIV. PRAC. & REM. CODE §11.054(2).

The Court further finds under TEX. CIV. PRAC. & REM. CODE §14.003(a)(2) and §14.003(b) that the Plaintiff's claims against the Defendants are frivolous. The Court further specifically finds under TEX. CIV. PRAC. & REM. CODE §14.003(a)(3) that Plaintiff Terry W. Crim filed in the instant litigation a DECLARATION OF LAWSUIT HISTORY that the Plaintiff Terry W. Crim knew was false. The Court notes that in the Plaintiff's DECLARATION OF LAWSUIT HISTORY signed July 1, 2003, and filed in the instant litigation, the Plaintiff misrepresents to this Court his litigation history, identifying only two prior lawsuits: (1) *Crim v. U.S.*, Cause no. 3:01-CV-01094 filed in the United States District Court, Northern District of Texas, which was dismissed as frivolous by Judge Kendall on August 2, 2001; and (2) *Crim v. Anheuser Bush*, Cause no. 01-CV-1189 in the United States District Court, Eastern District of Missouri which was dismissed on October 3, 2001, by Judge Stohr. The evidence clearly establishes that at the time the Plaintiff filed his DECLARATION OF LAWSUIT HISTORY in this Court, he had previously filed two civil cases in Collin County, a civil case in Dallas County, three civil cases in Federal Court (two of which are the ones identified in his DECLARATION), and five lawsuits seeking writs of habeas corpus.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Terry W. Crim be and hereby is declared a **Vexatious Litigant** pursuant to Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

IT IS FURTHER ORDERED that Terry W. Crim be and hereby is prohibited from filing in propria persona any new litigation in a court of this State unless permission has been granted by the local Administrative Judge, as authorized by TEX. CIV. PRAC. & REM. CODE §11.101;

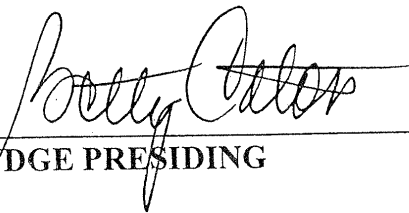
IT IS FURTHER ORDERED that the District Clerk of Collin County notify the Office of Court Administration of the Texas Judicial System that Terry W. Crim has been determined to be a vexatious litigant and that a pre-filing Order has been issued against Terry W. Crim, as authorized by TEX. CIV. PRAC. & REM. CODE §11.104;

IT IS FURTHER ORDERED that Terry W. Crim be and hereby is prohibited from initiating any more lawsuits of any kind or any nature against (1) Collin County, (2) any officers, agents, servants or employees of Collin County, and (3) the undersigned Counsel Robert J. Davis and his Firm MATTHEWS, CARLTON, STEIN, SHIELS, PEARCE & KNOTT and any officers, agents, servants or employees of said Firm until it has first been reviewed by the Administrative Judge of Collin County for a determination that the claims set forth a legitimate request for relief and approved by the Court for filing and service;

IT IS FURTHER ORDERED that the instant litigation filed by Plaintiff Terry W. Crim be and hereby is determined to be **FRIVOLOUS** under TEX. CIV. PRAC. & REM. CODE §14.003;

IT IS FURTHER ORDERED that Terry W. Crim pay to the Law Firm of MATTHEWS, CARLTON, SHIELS, PEARCE & KNOTT the sum of \$ 3109,50 for its attorney's fees and costs in defending against this action, the sum of \$ 5000⁰⁰ for its attorney's fees and costs in the event this matter is appealed to the Dallas Court of Appeals, and the sum of \$ 10,000⁰⁰ for its attorney's fees and costs in the event this matter is appealed to the Texas Supreme Court, plus post-judgment interest at the rate of ten percent (10%) per annum on such amount from the date of this Order until paid.

Signed this the 10 day of Sept, 2003.



JUDGE PRESIDING