

**Texas Constitution, Bill of Rights, Article 1, Section 32 Marriage is in violation of
the Fifth Amendment of the United States Constitution**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

United States Courts
Southern District of Texas
FILED

JUL 02 2013

David J. Bradley, Clerk of Court

DOMENICO NUCKOLS

Plaintiff,

3:13 CV 245

V,

STATE OF TEXAS

RICK PERRY, Governor

GREG ABBOT, Attorney General

Defendants,

- 1. At all times hereinafter mentioned, plaintiff was and still is a resident of 2114 Avenue K, Galveston, County of Galveston Texas 77550**
- 2. Defendants, Governor Rick Perry and Attorney General Greg Abbot, duly elected officials of the State of Texas, have official offices at 300 West 15th Street, Austin, County of Travis Texas 78701.**
- 3. The jurisdiction of this court is invoked pursuant to the United States Constitution**
- 4. The Texas Constitution, Bill of Rights, Article 1, and Section 32 Marriage is in violation of the Fifth Amendment of the United States Constitution. Section 32 is unconstitutional as a deprivation of the equal liberty of**

persons that is protected by the Fifth Amendment. Reference Ruling 12-307 June 26, 2013 of the Supreme Court of the United States, United States v. Windsor.

5. WHEREFORE, plaintiff prays the Court declares Article 1, Section 32 of the Texas Constitution Bill of Rights be deemed unconstitutional under the Fifth Amendment of the United States Constitution.

Any further relied which the court deem appropriate.

A handwritten signature in cursive script, appearing to read "D. Nuckols", is written over a horizontal line.

DOMENICO NUCKOLS, Pro Se

2114 AVENUE K

GALVESTON, TEXAS 77550

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in this section. The failure or inability of any person to provide a right or service enumerated in this section may not be used by a defendant in a criminal case as a ground for appeal or post-conviction writ of habeas corpus. A victim or guardian or legal representative of a victim has standing to enforce the rights enumerated in this section but does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

(Added Nov. 7, 1989.)

Sec. 31. COMPENSATION TO VICTIMS OF CRIME FUND; COMPENSATION TO VICTIMS OF CRIME AUXILIARY FUND; USE OF FUND MONEY.

(a) The compensation to victims of crime fund created by general law and the compensation to victims of crime auxiliary fund created by general law are each a separate dedicated account in the general revenue fund.

(b) Except as provided by Subsection (c) of this section and subject to legislative appropriation, money deposited to the credit of the compensation to victims of crime fund or the compensation to victims of crime auxiliary fund from any source may be expended as provided by law only for delivering or funding victim-related compensation, services, or assistance.

(c) The legislature may provide by law that money in the compensation to victims of crime fund or in the compensation to victims of crime auxiliary fund may be expended for the purpose of assisting victims of episodes of mass violence if other money appropriated for emergency assistance is depleted.

(Added Nov. 4, 1997.)

Sec. 32. MARRIAGE. (a) Marriage in this state shall consist only of the union of one man and one woman.

(b) This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage.

(Added Nov. 8, 2005.)

Sec. 33. ACCESS AND USE OF PUBLIC BEACHES. (a) In this