

Dismissed and Opinion filed May 3, 2001.



In The

Fourteenth Court of Appeals

NO. 14-98-00923-CV

THANH CONG TRAN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 338th Judicial District Court
Harris County, Texas
Trial Court Cause No. 777, 003**

OPINION

Fourteen video slot machines, commonly known as “eight-liners,” and \$2,324.25 were seized from Asia Mall. The State then moved for forfeiture of the machines under article 18.18(f) of the *Texas Code of Criminal Procedure*. Thanh Cong Tran filed a motion for return of the seized property, which the trial court denied. The trial court ordered the video slot machines and the \$2,324.25 be forfeited to the State. The State argues Tran does not have standing to prosecute this appeal because he offered no evidence that he has any interest in the seized gambling devices and money or that he was prejudiced by their forfeiture. We agree and dismiss Tran’s appeal for lack of standing.

In a forfeiture case, an alleged defendant-in-interest cannot obtain a reversal of the proceedings if the party has no property right or interest in the property. *\$17,329.00 v. State*, 880 S.W.2d 788, 789 (Tex. App.—Houston [1st Dist.] 1993, no writ). Standing is a component of subject matter jurisdiction. It cannot be waived and may be raised for the first time on appeal. *Gorman v. Gorman*, 966 S.W.2d 858, 864 (Tex. App.—Houston [1st Dist.] 1998, pet. denied) (citing *Texas Ass’n of Bus. v. Air Control Bd.*, 858 S.W.2d 440, 445-46 (Tex. 1993)). A party may not complain of errors that do not injuriously affect it or that merely affect the rights of others. *Shell Petroleum Co. v. Grays*, 131 Tex. 515, 114 S.W.2d 869, 870 (1938); see *Torrington v. Stutzman*, 44 Tex. S. Ct. J. 225, 2001 WL 1862923, *10 (Mar. 8, 2001).

Here, Tran claims in his appellate brief that he owns the seized slot machines and money. The trial court findings of fact, which were submitted by the State, state that these items were seized from Tran. However, at the forfeiture hearing, Tran did not appear or present any evidence of his ownership interest in the seized items. Additionally, the judgment states that the machines and the money are to be forfeited by “Asia Mall.” The notice of appeal for the forfeiture order states that “Respondent” filed it, which was Asia Mall’s designation in the judgment. Thus, only Asia Mall can complain that the trial court’s judgment is erroneous.

Persons who are strangers to the judgment have no right to seek review on appeal. See *\$17,329.00*, 880 S.W.2d at 789 (citing *Stroud v. Stroud*, 733 S.W.2d 619, 620 (Tex. App.—Dallas 1987, no writ)). In a personal action, unlike a class action, a judgment is conclusive only upon those persons who are named as parties or whose interests are represented by a party of record. See *Stroud*, 733 S.W.2d at 621 (citing *Knioum v. Slattery*, 239 S.W.2d 865, 866 (Tex. Civ. App.—San Antonio 1951, writ ref’d)). Here, the judgment only named Asia Mall and the State of Texas. Thus, Tran does not have standing to complain about this judgment. See *Shell*, 131 Tex. 515, 114 S.W.2d at 870. Accordingly, we dismiss Tran’s appeal for lack of standing.

/s/ Ross A. Sears
Justice

Judgment rendered and Opinion filed May 3, 2001.

Panel consists of Justices Sears, Lee, and Amidei.*

Do Not Publish — TEX. R. APP. P. 47.3(b).

* Senior Justices Ross A. Sears, Norman R. Lee, and Former Justice Maurice Amidei sitting by assignment.