

Still Thrashing: Is the Thrash Case A Bleak Commentary on Incapacity?

Seniors need not adhere to Lt. Gov. Dan Patrick's survival of the fittest rhetoric. Seniors have hope, there are resources in Texas that provide services to the elderly, say attorneys Elisa Reiter and Daniel Pollack.

By **Elisa Reiter and Daniel Pollack** | March 21, 2021 at 06:31 PM



L-R Elisa Reiter and Daniel Pollack. Courtesy Photos

In 2019, we came to know the exploits of Charles Thrash and his long-time gal pal, Laura Martinez.

On March 4, 2019, Mr. Thrash married Ms. Martinez in Saledo, Texas, at the Black Swan Inn. On March 5, 2019, Laura Martinez Thrash presented her then 81-year-old husband, Charles Thrash, at an attorney's office. Mr. Thrash had

previously been declared incapacitated in a Bexar County, Texas guardianship proceeding. At the law offices of Phil Ross, Mr. Thrash was presented with documents to adopt Ms. Martinez's adult children (Joe Martinez, then 27, and Brittainy Martinez, then 25). On March 6, 2019, Charles Thrash's court appointed guardian, Mary Werner, arrived at the Thrash home in upscale Shavano Park, accompanied by four police officers. Ms. Werner removed Mr. Thrash from his home, and from the apparent clutches of Ms. Martinez.

Charlie and Laura had been seeing one another for several years; a May-December romance. Laura is 27 years younger than Charlie. Charlie was a longtime mechanic in San Antonio, living humbly for most of his life, while amassing a fortune estimated to be worth approximately \$3,000,000.

A [Report of the Court Investigator](#), filed of record on March 8, 2019 in Bexar County, Texas Probate Case 2017 PC, included findings that Mr. Thrash:

- Did not wish to marry Ms. Martinez;
- Did not have a problem with the guardianship so long as he could still work and spend time in his mechanic's shop;
- Opposed the sale of his cars, planes and automotive shop;
- Confirmed that Ms. Martinez hit him;
- Identified Phil Ross, Esq. as the owner of the Black Swan Inn, as well as being the attorney who drafted documents that Mr. Ross asked Mr. Thrash to write out. The documents beseeched the Bexar County Probate Court to grant Charles Thrash permission to marry Laura Martinez.
- Stated to the Court Investigator that "It was Laura's idea. I do not want to marry anyone."

In fact, "[h]e was very adamant about not getting married. He said his last divorce had cost him [\\$1 million](#)." While Mr. Thrash estimated his net worth at around \$500,000, his estate was valued at more than \$3,000,000, including his automotive shop, a collection of vintage automobiles, and the home in Shavano Park. Mr. Thrash resided in an apartment over his shop for many years.

The March 8, 2019 Report of Court Investigator indicated that Charlie's business accounts had been accessed for payments on Laura Martinez's home mortgage.

Since that very busy week two years ago, what [has happened?](#)

As of March 11, 2021, there were hundreds of filings of record on the Bexar County Clerk's docket sheet for the Thrash case, including:

- Discovery motions.
- Annulment of the marriage between Thrash and Martinez.
- Setting aside Thrash's adoption of Martinez's adult children.
- Sale of real and personal property:
 - 2016 Chevrolet Corvette 3LZ Z06
 - 1995 Beechcraft & 1989 Stoddard Hamilton
- Applications for safekeeping of property.
- An Anti-SLAPP motion.
- Motions for Sanctions.
 - Sanctions imposed against Attorney Phil Ross and his clients (Laura Martinez and Brittainy Martinez) in the amount of **\$220,000** for misconduct related to the incapacitated Ward, Charles Thrash (see above, facilitating improper marriage to an incapacitated person, and facilitating adoption of adult children by said incapacitated person).
- **4th Court of Appeals** dismissed Brittany Martinez's case, rejecting her request for a stay as moot.
- Texas Supreme Court dismissed the subsequent **Petition for Review**.

The Thrash case thrashes on.

What does the Thrash case tell us, particularly as we emerge from the COVID pandemic?

1. Exploitation of the elderly should be reported to **Adult Protective Services** at **1-800-252-5400 or www.txabusehotline.org**.
2. With the pandemic, many elderly individuals may have been subjected to abuse, neglect and/or exploitation with ramifications including bodily injury, sexual abuse, lack of personal hygiene, inability to provide self-care, and/or loss of property. Often, elder abuse and neglect is perpetrated by adult children or spouses, and/or other trusted caretakers. Because it often takes place behind closed doors, incidents of elder abuse and neglect are not easily identifiable. And so, it can continue undetected for years. Emotional abuse — the most subtle form of abuse — is particularly hard to recognize. This kind of abuse may take the form of insulting, intimidating, threatening, ignoring, or humiliating.
3. With **Governor Abbott** eliminating the need for mandatory masking, and declaring that businesses may open, we may find that the case of Charles Thrash and Laura Martinez is not an isolated one. As farfetched as it may seem, there

may be other individuals in Texas who have pushed an incapacitated individual to enter into an improper marriage as a means of exploiting the incapacitated spouse.

In *Bleak House*, Charles Dickens alludes to the fictional case of Jarndyce v. Jarndyce, writing that the case concerns the fate of a large inheritance:

Jarndyce and Jarndyce drones on. This scarecrow of a suit has, in course of time, become so complicated that no man alive knows what it means. The parties to it understand it least, but it has been observed that no two Chancery lawyers can talk about it for five minutes without coming to a total disagreement as to all the premises. Innumerable children have been born into the cause; innumerable young people have married into it; innumerable old people have died out of it. Scores of persons have deliriously found themselves made parties in Jarndyce and Jarndyce without knowing how or why; whole families have inherited legendary hatreds with the suit. The little plaintiff or defendant who was promised a new rocking-horse when Jarndyce and Jarndyce should be settled has grown up, possessed himself of a real horse, and trotted away into the other world. Fair wards of court have faded into mothers and grandmothers; a long procession of Chancellors has come in and gone out; the legion of bills in the suit have been transformed into mere bills of mortality; there are not three Jarndyces left upon the earth perhaps since old Tom Jarndyce in despair blew his brains out at a coffee-house in Chancery Lane; but Jarndyce and Jarndyce still drags its dreary length before the court, perennially hopeless.

Do the elderly in Texas face litigation of dreary length, left perennially hopeless? After all, almost one year ago, [Texas Lt. Gov. Dan Patrick](#) suggested that he, and other senior citizens, should be willing to die in order to bolster the economy in the face of COVID stay in place orders. Seniors need not adhere to Lt. Gov. Patrick's survival of the fittest rhetoric. Seniors have hope. There are resources in Texas that provide services to the elderly, including:

- [Senior Source](#)
- [CNC Home Care](#)
- [Jewish Family Services of Greater Dallas](#)
- [Community for Permanent Supported Housing](#)

- **Elder Helpers**

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