## Court Advisory

Fourth Court of Appeals Cadena-Reeves Justice Center 300 Dolorosa, Suite 3200 San Antonio, Texas 78205-3037



FOR IMMEDIATE RELEASE

Contact: Keith Hottle, Clerk of the Court

Phone: (210) 335-2510 February 17, 2012

## **Fourth Court of Appeals to Hear Oral Argument**

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, February 22, 2012, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Phylis J. Speedlin and Justice Rebecca Simmons.

The following cases will be presented:

Maurice C. Hunsaker v. Brown Distributing Company, Ltd. - Maurice Hunsaker appeals the trial court's granting of summary judgment in favor of Brown Distributing Company, Ltd. At issue in this appeal is whether an Assumption Warranty Deed conveyed all of Hunsaker's one-quarter mineral interest in the described property to Brown Distributing, resulting in Hunsaker retaining none of the mineral interest under the land described in the Deed, or whether the Deed conveyed only one-half of the one-quarter interest owned by Hunsaker.

United States Fire Insurance Company v. The Lynd Company v. RSUI Indemnity Co. (Cross-Appeal) - This appeal involves whether a material fact issue exists as to whether one hail storm or two separate hail storms caused property damage at two apartment complexes in Austin, Texas. The trial court granted summary judgment against the primary carrier, U.S. Fire Ins. Co., on liability, finding that there was no disputed fact issue and that a single storm occurrence caused the property damage; therefore, the excess insurer RSUI was not liable because U.S. Fire had not paid its policy limits for the second storm occurrence. The court also assessed statutory interest against U.S. Fire for violations of the Insurance Code's prompt payment provisions.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, February 22, 2012, beginning at 1:30 p.m., before the following panel of justices: Justice Karen Angelini, Justice Phylis J. Speedlin and Justice Rebecca Simmons.

The following case will be presented:

## Court Advisory

Fourth Court of Appeals Cadena-Reeves Justice Center 300 Dolorosa, Suite 3200 San Antonio, Texas 78205-3037



Veronica Ann Garza v. State – Veronica Ann Garcia appeals the trial court's denial of her motion to suppress drug evidence and statements made by her at the scene. The appeal involves whether the homeowner had actual or apparent authority to consent to the officers' entry into the bedroom where Garcia was present, whether the officers' search exceeded the scope of consent, and whether the plain view doctrine applies to the prescription drugs found in the bedroom. Garcia also asserts her verbal statements to the officers should have been suppressed because she was "in custody" at the time and did not receive the Miranda warnings.

The oral arguments will be held in the Fourth Court's Courtroom, Cadena-Reeves Justice Center, Third Floor, 300 Dolorosa, San Antonio, Texas.