

Court Advisory

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



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Immediate Release
September 19, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, September 25, 2013, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Marialyn Barnard, and Justice Rebeca C. Martinez.

The following cases will be presented:

Drury Southwest, Inc. v. Louis Ledeaux #1, Inc. – After this court reversed and remanded for a new election of remedies, Drury now appeals the judgment awarding Louie Ledeaux actual damages for fraud. Drury also appeals the award of punitive damages as excessive, and raises other evidentiary and procedural issues.

Household Finance Corporation III v. DTND Sierra Investments, LLC – This is a restricted appeal arising out of a trial court’s order granting a default judgment. The appeal raises issues relating to fair notice of pleadings, sufficiency of evidence as to damages, and sufficiency of evidence as to attorney’s fees.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, September 25, 2013, beginning at 1:30 p.m., before the following panel of justices: Justice Karen Angelini, Justice Marialyn Barnard, and Justice Rebeca C. Martinez.

The following case will be presented:

Scott Edward Wilson v. The State of Texas – In this appeal, this Court will consider whether (1) the evidence is sufficient to support appellant’s conviction of possessing child pornography; (2) whether the trial court erred in admitting images that were not described by the indictment without giving a limiting instruction to the jury; and (3) whether the trial court improperly commented on the evidence in its instructions to the jury.

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The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, September 26, 2013, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Patricia O. Alvarez, and Justice Luz Elena D. Chapa.

The following case will be presented:

Springer Ranch, Ltd. v. O.F. Jones, III, Margaret Matthews, Ethel Matthews Rust, Ethel Matthews Rust, as Guardian/Trustee for Elizabeth Matthews, and Rosalie Matthews Sullivan - The parties in this declaratory judgment appeal received adjoining tracts of land under the terms of a will, and the lands as a whole have been covered by an oil and gas lease since 1956. After the parties succeeded to their respective tracts, they entered into a royalty division agreement in 1993. The court is asked to decide the correct construction and application of the royalty division agreement to a horizontal well.

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