

Court Advisory

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



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FOR IMMEDIATE RELEASE
October 19, 2012

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, October 23, 2012, beginning at 9:00 a.m., before the following panel of justices: Justice Phylis Speedlin, Justice Rebecca Simmons, and Justice Steven C. Hilbig.

The following cases will be presented:

Pedro Rodriguez v. State – Rodriguez appeals his convictions on ten counts of sexual assault of a child and thirteen counts of indecency with a child by contact. He argues the evidence contains insufficient factual detail regarding dates, times, and circumstances to support the convictions on all ten sexual assault charges, and that there is no evidence of thirteen separate occurrences of the indecent contact alleged. Rodriguez also argues the indecency by contact convictions are barred by double jeopardy because they are subsumed in the sexual assault offenses, and that he is being punished twice for the same offense

Security State Bank and Trust v. Bexar County, Texas, Northside Independent School District, Bexar County Emergency Services District No. 8, and Majid Nikmaram - Security State Bank and Trust, lienholder against the subject real property, appeals the trial court's judgment validating a sale of the property for delinquent taxes and confirming clear title in the tax sale purchaser's name. The Bank asserts that as a first lienholder it was a necessary party to the underlying delinquent tax suit, and that its absence from the suit renders the tax sale of the property void and violates its right to due process.

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, October 24, 2012, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Marialyn Barnard.

The following cases will be presented:

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Justice Sandee Bryan Marion, Justice Rebecca Simmons, and Justice Marialyn Barnard.

The following case will be presented:

Peterson Regional Medical Center v. Laurie M. O'Connell, Individually and as the Representative of the Estate of Kenneth Mayhew - This is an interlocutory appeal of the trial court's order denying Peterson Regional Medical Center's motion to dismiss. The motion to dismiss asserted Laurie M. O'Connell failed to serve expert reports complying with Texas Civil Practice and Remedies Code section 74.351. On appeal, Peterson argues the reports of Dr. Robert Tan, M.D., and Alexis Williams, R.N., are deficient as a matter of law and the trial court erred in denying its motion to dismiss.

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