

Court Advisory

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



Contact: Keith Hottle, Clerk of the Court
Phone: (210) 335-2510

FOR IMMEDIATE RELEASE
November 30, 2017

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, December 7, 2017, beginning at 9:00 a.m., before the following panel of justices: Justice Marialyn Barnard, Justice Rebeca C. Martinez, and Justice Irene Rios.

The following case will be presented:

Ex parte Miguel Martinez - Miguel Martinez asserts the trial court erred in denying his request for habeas corpus relief barring a retrial in his murder case because the State's intentional misconduct caused him to move for a mistrial. The State argues the trial court did not abuse its discretion in refusing to bar a retrial based on double jeopardy because there is nothing in the record to indicate the State had the requisite intent when it failed to disclose the potentially exculpatory evidence, to wit: the fact that a prosecutor with initial involvement in the case had sexual relations in the past with a material witness.

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, December 7, 2017, beginning at 10:00 a.m., before the following panel of justices: Justice Rebeca C. Martinez, Justice Luz Elena D. Chapa, and Justice Irene Rios.

The following case will be presented:

Ex parte Coby Stewart - Coby Stewart asserts the trial court erred in denying his request for habeas corpus relief barring a retrial in his DWI case because the State's intentional misconduct caused him to move for a mistrial. The State argues the trial court did not abuse its discretion in refusing to bar a retrial based on double jeopardy because there is nothing in the record to indicate the State had the requisite intent when it failed to disclose the material evidence, to wit: the contact information for the former Bexar County nurse who drew Stewart's blood.

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