

# 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  
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## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, March 6, 2019, beginning at 9:00 a.m., before the following panel of justices: Justice Rebeca C. Martinez, Justice Patricia O. Alvarez, and Justice Liza A. Rodriguez.

The following cases will be presented:

*Nicanor C. Sanchez v. State of Texas* – Appellant Nicanor Sanchez appeals his convictions for driving while intoxicated and driving while intoxicated with a child passenger. Shortly after midnight, San Antonio Police Sergeant Brian Sullivan initiated a traffic stop after witnessing Sanchez change lanes without signaling in violation of section 545.104(a) of the Texas Transportation Code. The officer also witnessed Sanchez make a left turn without signaling in violation of section 545.104(b). After approaching the vehicle, Sergeant Sullivan performed several field sobriety tests and ultimately obtained a search warrant for a sample of Sanchez’s blood. The blood sample test yielded a test result of 0.157 blood alcohol concentration.

Sanchez raises two issues on appeal. Sanchez contends the trial court erred in failing to grant his motion to suppress because the traffic stop was not supported by reasonable suspicion. Sanchez further argues the trial court erred in denying his requested jury instruction pursuant to article 38.23 of the Texas Code of Criminal Procedure.

*Beatrice J. Janacek Jarzombek, Phillip Janacek, Ben J. Janacek, Kathryn M. Janacek Vajdos, Lawrence J. Janacek, Margaret R. Janacek Ryan, Sister Rebecca Janacek, and Timothy E. Janacek v. Marathon Oil Company* - This is a deed construction case. The parties dispute whether a 1976 deed conveyed a possibility of reverter or reserved that future interest to the grantors.

After reviewing the parties’ cross-motions for summary judgment, the trial court concluded the 1976 deed conveyed the possibility of reverter to the grantees, the fee simple determinable terminated, and the 4/5ths royalty reverted to the grantees. This appeal ensued.

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Appellants, who are the 1976 deed grantors’ children, insist the 1976 deed did not convey the possibility of reverter to the grantees, and that they are the present owners of the 4/5ths royalty interest. They argue, inter alia, that the 1976 deed’s incorporation of the 1965 partition deed—which created the fee simple determinable and possibility of reverter—for all purposes, and the 1976 deed’s use of “subject to” four times, show that the 1976 deed reserved the possibility of reverter to the grantors.

Appellees, the 1976 deed grantees’ heirs and assigns, argue the 1976 deed’s “subject to” language applies to the warranty, not as an exception to the grant, and did not reserve the possibility of reverter to the grantors.

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