

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
January 16, 2014

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, January 22, 2014, beginning at 1:30 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Luz Elena D. Chapa.

The following cases will be presented:

Leocadio Ramirez, Jr. v. The State of Texas – Leocadio Ramirez Jr. appeals his conviction for burglary of a habitation. His sole appellate issue challenges the sufficiency of the evidence supporting his conviction.

Nicole Duffin Windham v. The State of Texas - Nicole Windham was charged with driving while intoxicated. The trial court denied Windham’s pre-trial motion to suppress her seizure by police. The trial court entered findings of fact and conclusions of law, concluding that police seized Windham pursuant to the “community caretaker function” exception to the Fourth Amendment’s warrant requirement and that police thereafter developed reasonable suspicion to investigate her for driving while intoxicated. Pursuant to a plea agreement, Windham pled guilty to DWI and was sentenced to two years’ imprisonment, assessed a fine of five hundred dollars, and her driver’s license was suspended. In one issue on appeal, Windham contends the trial court abused its discretion when it denied her motion to suppress.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, January 23, 2014, beginning at 1:30 p.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Rebeca C. Martinez, and Justice Luz Elena D. Chapa.

The following case will be presented:

Millican DPC Partners, LP and Peach Creek Partners, Ltd. v. Frank Bobbitt McGregor Trust, Doris McGregor, Trustee - This appeal arises out of a boundary dispute involving ownership of 34.28 acres in Brazos County, Texas. The disputed parcel was omitted from the specific metes and bounds description of the

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202-acre tract conveyed in a series of deeds to the predecessors of Millican DPC Partners, LP and Peach Creek Partners, Ltd. The disputed parcel was subsequently included within the fenced property owned by the Frank Bobbitt McGregor Trust. Millican and Peach Creek appeal the summary judgment granted in favor of the McGregor Trust based on construction of the deeds.

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