

# 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  
April 13, 2012

## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, April 18, 2012, beginning at 9:00 a.m., before the following panel of justices: Justice Rebecca Simmons, Justice Steven C. Hilbig, and Justice Marialyn Barnard.

The following cases will be presented:

*Michael Castilla v. State* – Michael E. Castilla appeals his conviction for felony evading arrest. In 2009, a vehicle fled from police, made an illegal U-turn, and almost hit a pursuing officer's vehicle. Shortly thereafter, the driver abruptly stopped the vehicle, fled on foot, and escaped into the night. Other officers investigating the abandoned vehicle discovered the vehicle was registered to Castilla's mother, and they found a Texas identification card belonging to Castilla. Upon seeing the card, the pursuing officer confirmed that the person he saw driving the fleeing vehicle was Castilla. Castilla was arrested, tried by a jury, and convicted. On appeal Castilla asserts that the evidence is legally insufficient to support the conviction and that he was entitled to a spoliation instruction.

*Esmeralda Martinez v. Ford Motor Credit Company and Ford Motor Credit Company, LLC* - This appeal arises from a suit filed by Esmeralda Martinez against Ford Motor Credit Company for injuries she suffered in an automobile accident. The primary issue in the appeal is whether Ford Motor Credit is liable for Martinez's personal injury damages for allegedly failing to comply with the Certificate of Title Act. Martinez claims Ford Motor Credit violated the Act because it failed to obtain a salvage or non-repairable title after repossessing the vehicle in question and then selling it at auction. Martinez was involved in a car accident six years after purchasing the vehicle.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, April 18, 2012, beginning at 2:00 p.m., before the following panel of justices: Justice Rebecca Simmons, Justice Steven C. Hilbig, and Justice Marialyn Barnard.

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The following case will be presented:

*VIA Metropolitan Transit v. Gerald Anthony Garcia* - This appeal arises out of a suit by a police officer against VIA, in which the officer alleged a VIA van driver was negligent and negligent per se when he struck the officer with the van's mirror while the officer was in an intersection directing traffic. The appeal raises challenges to the trial court's failure to include in the jury charge issues regarding contributory negligence and proportionate responsibility.

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