

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
June 6, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, June 11, 2013, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Stone, Justice Karen Angelini, and Justice Rebeca C. Martinez.

The followings case will be presented:

Vanessa Cameron v. The State of Texas – In this appeal, this Court will consider whether (1) the trial court excluded the public from voir dire in violation of the Sixth Amendment to the Constitution; (2) whether the trial court erred in failing to suppress appellant’s oral statements made to police; and (3) whether the trial court erred in overruling appellant’s Rule 404(b) and Rule 403 objections to rebuttal evidence.

Bobby Moreno v. The State of Texas - Bobby Moreno appeals his convictions for human trafficking, kidnapping, aggravated sexual assault of a child, and compelling prostitution. On appeal, he argues that (1) he was deprived of jury unanimity on two of the counts due to a disjunctive jury charge, (2) he received multiple punishments for the same single offense, and (3) the evidence was legally insufficient to support his kidnapping conviction.

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, June 11, 2013, beginning at 1:30 p.m., before the following panel of justices: Chief Justice Stone, Justice Karen Angelini, and Justice Rebeca C. Martinez.

The following case will be presented:

World Car Nissan v. Abe’s Paint & Body, Inc., Abraham Rodriguez, and Chin Pac - This appeal involves a statement made by Abe’s Body & Paint, Inc. (Abe’s) about World Car Nissan (World Car). The jury found Abe’s statement to be defamatory and made with actual malice. The jury also found, however, that World Car suffered no damages as a result of the statement. In three points of error,

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World Car asks us to determine: (1) whether the trial court improperly influenced the jury venire during voir dire; (2) whether the trial court erred in refusing to find the statement defamatory per se; and (3) whether the trial court erred in determining that World Car was a public figure. In two cross-points on appeal, Abe's asks this court to decide: (1) whether the evidence was legally sufficient to support a finding of actual malice; and (2) whether the statement was the subject of a qualified privilege and, thus, immune from suit.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, June 12, 2013, beginning at 9:00 a.m., before the following panel of justices: Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following case will be presented:

Charles Arrington v. The State of Texas - A jury convicted appellant of five counts of aggravated sexual assault of a child and one count of indecency with a child by sexual contact. The jury sentenced appellant to sixty years' confinement on each count of aggravated sexual assault of a child and to twenty years' confinement on the one count of indecency with a child, all sentences running concurrently.

Appellant asserts five issues on appeal: (1) the trial court committed jury charge error by failing to give a unanimity instruction as to each separate criminal incident alleged at trial, as charged in each separate count/offense in the indictment; (2) the trial court's jury charge error egregiously harmed him; (3) alternatively, the trial court's jury charge error rendered his trial fundamentally unfair, in violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution; (4) his trial counsel rendered ineffective assistance of counsel by failing to object to the State's elicitation of expert witness testimony about the truthfulness of the complainant's sexual misconduct accusations; and (5) his trial counsel rendered ineffective assistance of counsel by failing to object to the State's elicitation of lay witness testimony about the truthfulness of the complainant's allegations.

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