

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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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 Tuesday, June 21, 2011, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Stone, Justice Marion, and Justice Simmons:

The following cases will be presented:

- (1) *Richard M. Lopez v. State* – Appellant Richard M. Lopez, II appeals his two convictions for sexual assault. On appeal, Lopez raises four issues. Lopez first contends that he received ineffective assistance of counsel because his trial counsel had a conflict of interest due to his representation of Lopez’s co-defendant. Lopez’s remaining three issues concern the State’s argument during the punishment phase of the trial that Lopez should be punished for an extraneous sexual assault. He argues that this violated his rights against double jeopardy under the Texas and U.S. constitutions. His last issue is that he received ineffective assistance of counsel because his trial counsel failed to object to the State’s argument.
- (2) *Texas Farm Bureau Mutual Insurance Co. v. Shannon Rogers & Cristen Bazan, as legal heirs of Cynthia Bazan, dec’d* – Appellant/cross-appellee, Texas Farm Bureau Mutual Insurance Co., appeals from the jury’s verdict and award to appellees/cross-appellants, Shannon Rogers and Cristen Bazan, in a suit involving a homeowner’s insurance policy. This appeal raises issues involving DTPA standing, breach of contract, and legal sufficiency.
- (3) *Ryan Prihoda v. State* – The panel limited oral argument in this appeal to a single issue challenging the State’s proof of a prior conviction. The appellant contends that the prior conviction was an element of the offense and not an enhancement provision. The appellant also contends that the evidence is insufficient to prove the prior conviction.

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