

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 one appeal on Tuesday, September 11, 2012, beginning at 9:00 a.m., before the following panel of justices: Justice Phylis Speedlin, Justice Rebecca Simmons, and Justice Steven C. Hilbig.

The following case will be presented:

Calvin Jackson v. State – This is an appeal from a judgment of conviction in a murder case. Appellant argues the trial court erred in failing to instruct that a witness was an accomplice as a matter of law, in including a charge on the law of parties, and in failing to properly apply the law of parties to the facts of the case. Appellant also argues the evidence is insufficient to support the jury's verdict.

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, September 12, 2012, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Marialyn Barnard.

The following cases will be presented:

Transworld Leasing Corporation v. Wells Fargo Auto Finance, LLC - Transworld Leasing Corporation appeals a summary judgment granted in favor of Wells Fargo Auto Finance, LLC. Transworld contends the trial court erred in granting summary judgment because: (1) the motion did not address Transworld's defense of mutual mistake; (2) Wells Fargo did not have standing; (3) the motion failed to expressly state the grounds for judgment or the grounds were unclear and insufficient to support relief; and (4) fact issues were raised regarding Wells Fargo's breach of contract claim and Transworld's defenses to that claim. Transworld also contends the pre-judgment and post-judgment interest awards were erroneous, and the trial court erred in overruling its objections to an affidavit.

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Estate of Wilbur Waldo Lynch - This is the second appeal considered by this court in relation to a will contest involving the Estate of Wilbur Waldo Lynch. In the instant appeal, Peggy Lynch Sackheim and Patricia Lynch Alderman challenge the probate court's order denying their motion for an order establishing the amount of money that Tracy June Lynch was required to reimburse Waldo's Estate for attorneys' fees and expenses that Tracy caused Waldo's Estate to pay out in defending the will contest. Peggy and Patricia challenge the probate court's findings and conclusions that: (1) they waived the right to establish the amount of money to be reimbursed; (2) an order determining the amount of money to be reimbursed was barred by res judicata; (3) the probate court was without jurisdiction or plenary power to enter an order determining the amount to be reimbursed; and (4) the accounting filed by Tracy was in compliance with section 149A of the Texas Probate Code.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, September 12, 2012, beginning at 1:30 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Marialyn Barnard.

The following case will be presented:

Antonio Aviles v. State – This appeal arises out of Aviles's conviction for the offense of felony driving while intoxicated. In this appeal, Aviles challenges the trial court's decision to deny his motion to suppress and admit blood samples taken pursuant to provisions of the Texas Transportation Code.

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