

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
300 Dolorosa, Suite 3200
San Antonio, Texas 78205-3037



Contact: Keith Hottle, Clerk of the Court
Phone: (210) 335-2510

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 Wednesday, September 9, 2015, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Jason Pulliam.

The following cases will be presented:

Chad William Ballard v. State - Chad William Ballard entered an open plea of guilty to the offense of aggravated assault and elected to have the trial court decide punishment. On appeal, Ballard contends: (1) the State failed to provide notice of its intention to seek an affirmative finding on the use of a deadly weapon; and (2) trial counsel rendered ineffective assistance by failing to advise him the trial court could not grant probation if a deadly weapon finding was made and by failing to investigate his mental health.

Ivarene and Victor Hosek v. Rosale Scott - Rosale Scott and Ivarene and Victor Hosek are parties to a partition deed partitioning the surface estate of 338.54 acres of land between them. Scott and the Hoseks disagree about the interpretation of the deed as it relates to the minerals under the land. The Hoseks sued Scott, and the trial court granted a partial summary judgment in Scott's favor, concluding the partition deed is unambiguous and did not partition the minerals. On appeal, the Hoseks contend the trial court erred in granting the partial summary judgment because the partition deed is ambiguous and the minerals reverted to the owner of the surface estates of the land after the period lapsed during which a partition of the minerals was prohibited. The Hoseks also contend the trial court abused its discretion in awarding Scott attorney's fees and that Scott should not recover her costs on appeal for unnecessary documents she requested be included in the clerk's record.

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