

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 one appeal on Wednesday, September 23, 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 case will be presented:

Brad and Randi Aery, et al. v. Hoskins, Inc., et al. – This is an appeal arising out of a royalty dispute that involves construction of two deeds. The appeal concerns issues relating to whether an agreement between three surface and mineral estate owners created a pooled royalty interest that was an appurtenance to the land of each owner or whether the agreement created a non-participating interest in royalty that did not pass by a subsequent General Warranty Deed executed by one of the individual owners. The trial court held the agreement created a non-participating royalty interest, and therefore, the Grantor's undivided royalty interests in two other tracts of land did not pass by General Warranty Deed.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, September 23, 2015, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Jason Pulliam.

The following case will be presented:

Taylor Rae Rosenbusch v. The State of Texas - Taylor Rae Rosenbusch pled guilty to two counts of intoxication manslaughter. After the jury sentenced Rosenbusch to twelve years imprisonment for each offense, the trial court cumulated the sentences by ordering the two sentences would run consecutively. On appeal, Rosenbusch contends: (1) the trial court's failure to admonish her regarding the possible cumulation of her sentences violated her due process rights and caused her plea to be involuntary; (2) article 42.08 of the Texas Code of Criminal Procedure is unconstitutional in allowing the trial court to cumulate sentences without any standards or controls; (3) the trial court erred in not including an instruction in the jury charge regarding its discretion to cumulate sentences; and (4) the trial court erred in allowing a jury view of a recreation of the automobile collision.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, September 23, 2015, beginning at 3:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Jason Pulliam.

The following case will be presented:

Rodolfo Martinez Salinas v. The State of Texas – This appeal arises out of convictions for intoxication manslaughter and intoxication assault. The appeal concerns issues relating to the trial court's refusal to admit certain evidence and trial court communications with the jury in the absence of appellant or his counsel.

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