

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, December 12, 2017, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following case will be presented:

Billy Ray Monreal v. The State of Texas - Appellant, Billy Ray Monreal, was indicted for intentionally and knowingly causing the death of Eugene Sanchez by shooting Sanchez with a pistol. A jury found appellant guilty of murder and assessed punishment at forty years' confinement. On appeal, appellant does not challenge the sufficiency of the evidence in support of the jury's verdict. Instead, in four issues, appellant asserts the trial court erred by (1) denying his motion for new trial; (2) denying the admission into evidence of the prior inconsistent statements of two jurors during the hearing on appellant's motion for new trial; and (3) removing appellant from the courtroom during the punishment phase of trial.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, December 14, 2017, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following case will be presented:

Texas Department of Aging and Disability Services d/b/a San Antonio State Supported Living Center v. Adrian Comer - This appeal arises from the circumstances surrounding the Texas Department of Aging and Disability Services (DADS) involuntarily terminating Adrian Comer's employment.

Comer was employed for years as a Direct Support Professional at the San Antonio State Supported Living Center, which provides 24-hour care for its residents who are aging and have cognitive and physical disabilities. After Comer had some health issues, Comer's doctor certified that Comer was fit for duty as a DSP but only for one eight-hour shift per day. DADS insisted that an essential

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function of a DSP is to holdover and work a second, eight-hour shift when needed to do so. Comer contended that excusing him from the holdover policy was a reasonable accommodation, but DADS disagreed and would not reinstate him as a DSP. DADS asserts it was unable to find another job that Comer was qualified to fill, with or without a reasonable accommodation, and it terminated Comer's employment.

Comer sued DADS for alleged TCHRA violations including discrimination, failure to accommodate, and retaliation. Asserting that Comer failed to allege a prima facie case for any of his claims, DADS filed a plea to the jurisdiction. The trial court held a hearing and denied the plea. DADS appeals.

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