

Court Advisory

Fourth Court of Appeals
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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 Wednesday, February 28, 2018, beginning at 9:00 a.m., before the following panel of justices: Justice Patricia O. Alvarez, Justice Luz Elena D. Chapa, and Justice Irene Rios.

The following cases will be presented:

Darrel K. Bowser v. The State of Texas - Appellant Darrel Keith Bowser was convicted of continuous sexual abuse of a child and sentenced to a fine of \$10,000.00 and confinement in the Texas Department of Criminal Justice—Institutional Division for a period of 99 years.

Appellant raises three issues on appeal. First, Appellant was denied due process and a fair trial because the State withheld Brady material, and the trial court erred by failing to grant a mistrial. Second, Appellant was deprived of a fair trial because Appellant did not have sufficient time to investigate alternative perpetrator evidence and the trial court erred by failing to grant a mistrial. And third, the trial court abused its discretion by allowing double hearsay evidence that was harmful error.

The State responds to Appellant's first two issues by asserting that it disclosed the Brady material as soon as the State obtained the information, Appellant's request for a thirty-day continuance to investigate the new information was granted, and Appellant did not ask for a second continuance based on the State's alleged Brady violation or renew its request for a mistrial. Thus, according to the State, the trial court's grant of Appellant's requested continuance cured any Brady violation error, Appellant was not denied due process or a fair trial, and the trial court did not err.

For Appellant's third issue, the State responds that the medical record was admissible as an exception to the hearsay rule, and even if it was not, Appellant was not harmed because the complainant testified to the same information that was in the medical record.

Troy Allen Timmins v. The State of Texas - Troy Allen Timmins appeals his conviction for failure to appear. Timmins argues there is legally insufficient

