

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
April 11, 2019

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, April 18, 2019, beginning at 9:00 a.m., before the following panel of justices: Justice Rebeca C. Martinez, Justice Irene Rios, and Justice Beth Watkins.

The following case will be presented:

Jimmy Maspero and Regina Maspero, Individually, and as Next Friends of Wyatt Maspero, Wynnsday Maspero, Wesley Maspero, Deceased, and Walter Maspero, Deceased, Minor Children v. City of San Antonio – This appeal arises out of a trial court order granting a plea to the jurisdiction. The appeal raises challenges to the City’s claim of immunity.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, April 18, 2019, beginning at 10:00 a.m., before the following panel of justices: Justice Luz Elena D. Chapa, Justice Irene Rios, and Justice Liza A. Rodriguez

The following case will be presented:

Christopher M. Harber v. The State of Texas- This appeal arises out of a fatal motor vehicle accident that occurred in 2012. Harber was indicted for manslaughter, but the jury found him guilty of the lesser-included offense of criminally negligent homicide. The jury also found Harber used a deadly weapon during the commission of the offense and that he had been previously convicted of a felony offense. Harber was sentenced to fifteen years in prison. The two issues raised on appeal are: (1) whether the evidence is legally sufficient to prove that Harber engaged in conduct that created a substantial and unjustifiable risk of death, but he failed to perceive the risk, causing a death, and such failure was a gross deviation from the standard of care an ordinary person would have exercised under similar circumstances, and (2) whether Harber should be able to raise the statute of limitations for the first time on appeal and whether application of *Ex parte Heilman* to procedurally bar him from raising it violates the Ex Post Facto Clause of the

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United States Constitution or Harber's right to due process under the Fifth and Fourteenth Amendments.

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