

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
February 1, 2013

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, February 6, 2013, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Rebeca C. Martinez.

The following cases will be presented:

Robert Lyonell Phillips v. The State of Texas – Phillips was convicted of coercion of a public servant and terroristic threat arising out of statements he made during a series of phone calls to the SAPD 911 emergency line. On appeal, he asserts there was a fatal variance between the indictment and the evidence at trial which renders the evidence legally insufficient to support each conviction.

The State of Texas v. Jose P. Cardenas - The State of Texas appeals the trial court's order excluding photographs from evidence based on the trial court's conclusion that the State violated the court's discovery order. The State asserts the trial court erred in excluding the photographs because: (1) the State was not in possession of the photographs; (2) the discovery order did not contain a deadline for the production of the discovery; and (3) the trial court's explicit findings of fact establish that the State's violation was not willful.

The Fourth Court of Appeals will hear oral arguments in two appeals on Wednesday, February 6, 2013, beginning at 1:30 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Sandee Bryan Marion, and Justice Rebeca C. Martinez.

The following cases will be presented:

Burton John Neesvig v. The State of Texas - The sole issue raised by Neesvig on appeal is that the trial court erred in denying his motion to dismiss for lack of a speedy trial.

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Lana Marie Bevering, as Next Friend of C.A.B., a Minor v. Joseph Guy Bevering, Deceased, by and through his Independent Executrix, Debra Elaine Bevering - Lana Marie Bevering, as next friend of C.A.B., a minor, appeals the trial court's order dismissing her equitable bill of review. Lana raises three issues on appeal, asserting: (1) a prima facie case was made in support of the equitable bill of review; (2) C.A.B. should have been appointed a guardian ad litem before the trial court terminated the parental rights of his father, Joseph Guy Bevering, in the original divorce decree; and (3) laches and/or estoppel does not bar C.A.B. from filing the bill of review.

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