

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
May 17, 2012

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, May 22, 2012, beginning at 1:30 p.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Karen Angelini, and Justice Phylis J. Speedlin.

The following case will be presented:

City of San Antonio v. The Rogers Shavano Ranch, Ltd., The Rogers 1604 Commercial, Ltd., Bitterblue, Inc. and Denton Development Corporation - The City appeals the trial court's denial of its pleas to the jurisdiction in this lawsuit by the Rogers Ranch property owners and developers seeking a declaratory judgment recognizing the development project's vested rights under Chapter 254 of the Texas Local Government Code. The issues in this interlocutory appeal are limited to jurisdiction, and specifically involve (i) whether the plaintiffs have standing to seek recognition of the project's claimed vested rights, and (ii) whether the plaintiffs were required to, and failed to, exhaust administrative remedies with respect to the claimed vested rights.

The Fourth Court of Appeals will hear oral argument in two appeals on Wednesday, May 23, 2012, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Catherine Stone, Justice Phylis J. Speedlin, and Justice Steven C. Hilbig.

The following cases will be presented:

Arabella Petroleum Company, LLC v. J. H. Baldwin, Jr. - This appeal is of a judgment awarding J.H. Baldwin, Jr. damages for a breach of an agreement by Arabella Petroleum Company to pay Baldwin for an oil and gas lease. The issues raised in the appeal are whether the agreement was enforceable. Arabella contends the agreement lacked mutuality and conditions precedent to its enforcement were not met or not met within the time required. Baldwin cross-appeals asserting Arabella was not entitled to a settlement credit, judgment should

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also have been entered against Arabella's alter egos, and Baldwin should have recovered attorney's fees.

Andrew Darrell Byrd v. Lillian Tonette Byrd – In this appeal, the court addresses the appellant's argument that the trial court erred in dividing military retirement benefits in a manner inconsistent with the parties' mediated settlement agreement.

The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, May 24, 2012, beginning at 9:00 a.m., before the following panel of justices: Justice Rebecca Simmons, Justice Steven C. Hilbig, Justice Marialyn Barnard.

The following case will be presented:

Michael Castilla v. State – Michael E. Castilla appeals his conviction for felony evading arrest. In 2009, a vehicle fled from police, made an illegal U-turn, and almost hit a pursuing officer's vehicle. Shortly thereafter, the driver abruptly stopped the vehicle, fled on foot, and escaped into the night. Other officers investigating the abandoned vehicle discovered the vehicle was registered to Castilla's mother, and they found a Texas identification card belonging to Castilla. Upon seeing the card, the pursuing officer confirmed that the person he saw driving the fleeing vehicle was Castilla. Castilla was arrested, tried by a jury, and convicted. On appeal Castilla asserts that the evidence is legally insufficient to support the conviction and that he was entitled to a spoliation instruction.

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