

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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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 Tuesday, September 18, 2012, beginning at 9:00 a.m., before the following panel of justices: Justice Phylis Speedlin, Justice Rebecca Simmons, and Justice Steven C. Hilbig.

The following cases have been consolidated for argument and will be presented:

Samantha Amity Britain v. The State of Texas & David Brasse v. The State of Texas – These appeals arise from the death of an 8-year-old child, Sarah Brasse. Appellants are David Brasse, Sarah’s father, and Samantha Britain, Brasse’s live-in girlfriend at the time of Sarah’s death. Brasse raises three points of error on appeal: (1) the evidence is legally insufficient to support his conviction for manslaughter, (2) the trial court erroneously refused to include a question on mistake of fact in the jury charge, and (3) the trial court erroneously refused to grant his motion for mistrial after the State’s witness testified in violation of the trial court’s order. Britain raises five points of error on appeal: (1) the evidence is legally insufficient to support her conviction for injury to a child by omission committed recklessly, (2) the evidence is legally insufficient to support her conviction for manslaughter, (3) the trial court erroneously refused to include a question on mistake of fact in the jury charge, (4) the trial court erroneously refused to grant her motion for mistrial after the State’s witness testified in violation of the trial court’s order, and (5) the trial court erroneously overruled her objection to a PowerPoint slide used during voir dire that tainted her right to the presumption of innocence.

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