

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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San Antonio, Texas 78205-3037



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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, December 2, 2015, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following cases will be presented:

The State of Texas v. Victoria Mari Velasquez – This case stems from the trial court’s grant of a motion to suppress. Although Velasquez filed a pretrial motion to suppress, neither party requested the matter be set for hearing. On the day of jury selection, the trial court called the case for trial and inquired about the motion to suppress contained within the court’s file. Velasquez’s counsel provided an oral recitation of the facts and argument that Velasquez was illegally detained and illegally searched. The State declined to offer the police report and requested the court hear testimony of the officers that made the arrest and conducted the search. The trial court declined to allow live testimony and subsequently granted the motion to suppress.

The State contends that Texas Code of Criminal Procedure article 28.01 requires notice be given to the parties before the trial court holds a hearing on a motion. Here, the State argues it did not have adequate notice that the trial court intended to hear the motion. Velasquez counters that the State did not request a continuance, but instead argued with the trial court on how the motion to suppress should be conducted.

Jonathan Shurberg as Personal Representative of the Estate of Rebecca Lord, Individually and Derivatively on Behalf of La Salle Industries, a Limited Partnership v. La Salle Industries Limited, Roy G. Martin, Jr. Property Management, Inc., Roy Martin, Elizabeth Martin, Jennifer Lord, Brenda Lord, Kent Lord, Janie Martin, Mark Martin, Thomas L. Martin, and Jill Martin – This appeal arises from an order granting a plea to the jurisdiction. The appeal challenges the trial court’s determination that appellants lack standing to pursue the claims asserted.

The Fourth Court of Appeals will hear oral arguments in one appeal on Wednesday, December 2, 2015, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Patricia O. Alvarez.

The following case will be presented:

Juan Gabriel Garza v. The State of Texas - Juan Gabriel Garza was convicted by a jury of murder and sentenced to sixty years' imprisonment. On appeal, Garza contends: (1) the evidence is legally insufficient to support his conviction because the testimony of an accomplice witness is not corroborated; (2) trial counsel rendered ineffective assistance of counsel by failing to request a sudden passion instruction; and (3) the trial court erred in denying a motion for mistrial after a witness's testimony violated the trial court's ruling limiting the testimony.

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