

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
June 14, 2016

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, June 28, 2016, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following cases will be presented:

Cecil Tucker v. K&M Trucking, Inc., 6S Corp., and Robert Heath Trucking, Inc. - Appellant Cecil Tucker sued appellees K&M Trucking, Inc., 6S Corp., and Robert Heath Trucking, Inc. for contacting his prospective employers and threatening to sue based on an unenforceable non-compete agreement Tucker had in a prior employment contract. The trial court granted appellees summary judgment and, on appeal, Tucker argues the evidence raised a fact issue that appellees' conduct caused him actual damage or loss and was "independently tortious," and appellees did not conclusively establish either of their affirmative defenses of privilege/justification or statute of limitations.

Laredo Merchants Association v. City of Laredo, Texas – This appeal arises out of a trial court's order granting a motion for summary judgment. The appeal challenges the trial court's order granting summary judgment, and raises issues concerning: (1) whether an ordinance adopted by the City of Laredo, which made it generally unlawful for merchants to provide certain plastic and paper bags to customers, is invalid because it is preempted by Section 361.0961 of the Texas Health & Safety Code; and (2) the propriety of attorney's fees.

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, June 28, 2016, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Luz Elena D. Chapa.

The following case will be presented:

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Jose Carlos Leal v. The State of Texas - Jose Leal was convicted by a jury of two counts of aggravated sexual assault of a child. On appeal, Leal contends the trial court erred in admitting evidence of an extraneous offense during the guilt-innocence phase of trial. Leal also contends the trial court erred by instructing the jury to resume its deliberations regarding Leal's guilt or innocence with regard to count II after the jury was retired to deliberate during the punishment phase of trial.

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