

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
October 19, 2017

Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, October 24, 2017, beginning at 9:00 a.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Karen Angelini, and Justice Patricia O. Alvarez.

The following cases will be presented:

Jana Lee Flanagan and Lucas Matthew Flanagan v. RBD San Antonio LP, Davidson Hotel Company LLC, and G4S Secure Solutions - Jana Lee and Lucas Matthew Flanagan appeal traditional and no-evidence summary judgments granted in favor of RBD San Antonio L.P., Davidson Hotel Company LLC, and G4S Secure Solutions (USA) Inc. in a premises liability case based on an alleged aggravated assault at a hotel. The Flanagans contend the trial court erred in granting the summary judgments and in sustaining objections to their summary judgment evidence.

Walter Fisk v. The State of Texas – Walter Fisk was convicted of three counts of indecency with a child, and the trial court imposed three life sentences under section 12.42(c)(2) of the Texas Penal Code. In a prior appeal, this court reversed the trial court’s imposition of the three life sentences, holding the elements of indecent acts and liberties with a child under article 134 of the Uniform Code of Military Justice (UCMJ) were not substantially similar to the elements of indecency with a child under Texas Penal Code section 21.11. On resentencing, the trial court concluded that irrespective of the conviction under article 134, Fisk’s prior sodomy conviction under former UCMJ article 125 required the imposition of mandatory life sentences under section 12.42(c)(2) because the elements of sodomy under former UCMJ article 125 are substantially similar to sexual assault under section 22.011 of the Texas Penal Code. In this appeal, Fisk contends (1) the evidence is legally insufficient to prove he is the same person convicted of sodomy pursuant to former UCMJ article 125, and (2) the sodomy offense contains elements that are not “substantially similar” to the elements of sexual assault under section 22.011 of the Texas Penal Code.

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