

# 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  
September 13, 2018

## Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in two appeals on Tuesday, September 18, 2018, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Luz Elena D. Chapa, and Justice Irene Rios.

The following cases will be presented:

*Antoinette Martinez v. The State of Texas* - A jury found appellant Antoinette Martinez guilty of two counts of capital murder. Because the State did not seek the death penalty, the trial court automatically assessed Martinez's punishment at confinement for life for each count. In six issues, Martinez contends she was prosecuted twice for a single offense of capital murder in violation of the protections against double jeopardy and challenges the sufficiency of the evidence supporting her conviction. Martinez additionally complains the trial court erred by failing to: instruct the jury on the defense of duress; accurately apply the law of parties; or require the jury to unanimously find she committed capital murder.

*Bitterroot Holdings v. HB Properties I LLC* - This case involves a title dispute. Bitterroot Holdings, LLC appeals a judgment rendered after a bench trial on its claims against HB Properties I, LLC for a declaratory judgment and for trespass to try title. Bitterroot argues the trial court's judgment is not supported by the pleadings or legally sufficient evidence, and the trial court's findings of fact are insufficient to support the judgment. HB Properties I, LLC has filed a cross-appeal, arguing that if this court finds reversible error, this court should remand because the trial court erred by excluding one of its exhibits.

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The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, September 18, 2018, beginning at 2:00 p.m., before the following panel of justices: Chief Justice Sandee Bryan Marion, Justice Marialyn Barnard, and Justice Irene Rios.

The following case will be presented:

*Maria Lidia Gonzalez, et al. v. Estate of Ildefonso Ramirez, et al.* - In the underlying lawsuit, the plaintiffs, who are the descendants of eight of Manuel Ramirez Serna's nine children, sought to be declared the owners of an undivided interest in 270 acres of real property in Porcion 18 located in Zapata County, Texas. The intervenors, who are the descendants of Serna's other child, sought to be declared the owners of an undivided interest in 33.75 acres of Porcion 18. The trial court granted summary judgment in favor of the defendants/appellees who are the estate and descendants of Ildefonso Ramirez.

On appeal, the plaintiff appellants assert the trial court erred in granting summary judgment because a fact issue exists as to whether a deed from Serna's eight children to Ramirez, which purported to convey the undivided interest in the 270 acres, was forged. The plaintiff appellants and intervenor appellants also assert that trial court erred because the appellees did not conclusively establish their adverse possession claim or their affirmative defenses of res judicata, collateral estoppel, or laches. Finally, the intervenor appellants assert the trial court erred in denying their motion for summary judgment.

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