

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
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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, January 24, 2017, beginning at 9:00 a.m., before the following panel of justices: Justice Rebeca Martinez, Justice Patricia O. Alvarez, and Justice Luz Elena D. Chapa.

The following cases will be presented:

State of Texas v. Lauro Eduardo Ruiz – This case stems from a ten-count indictment alleging attempted production of sexual performance by a child. While working at a high school, Appellant Lauro Eduardo Ruiz allegedly used his cellphone to take inappropriate pictures of female students. During a meeting with the principal, vice principal, and dean of students, Ruiz admitted the allegations brought by the students. One of the administrators asked Ruiz to place his cellphone on the desk. At some point, the principal viewed several photographs that corroborated the students' allegations. The phone was placed in a manila envelope and turned over the police department for further investigation. The trial court granted Ruiz's motion to suppress concluding that because the principal's warrantless examination of Ruiz's cellphone was without Ruiz's consent and without proof of exigent circumstances to justify the warrantless search, any information taken from the cellphone was fruit of the poisonous tree and inadmissible against Ruiz. In its appeal, the State contends: (1) Texas Code of Criminal Procedure article 38.23(a) is inapplicable to private citizens; (2) Ruiz did not allege school officials violated any Texas statute that would remove the administrators' actions from work in their private school capacity; (3) the school officials reasonably believed they had Ruiz's cooperation and consent throughout the meeting; (4) Ruiz failed to prove a causal connection between the violation and the police obtaining the evidence; and (5) to exclude the evidence in this case would not serve the fundamental principal of the exclusionary rule because the high cost of the State losing the video evidence is not outweighed by the potential deterrence of this sort of action in the future.

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The Fourth Court of Appeals will hear oral arguments in one appeal on Thursday, January 26, 2017, beginning at 9:00 a.m., before the following panel of justices: Justice Karen Angelini, Justice Rebeca C. Martinez, and Justice Luz Elena D. Chapa.

The following case will be presented:

Oscar Leo Quintanilla v. Andrew Bradford West – This is an accelerated appeal from an interlocutory order denying Oscar Leo Quintanilla’s motion to dismiss two of Andrew Bradford West’s claims against him — slander of title and fraudulent liens — under the Texas Citizens Participation Act (also known as the “Anti-SLAPP” statute). On appeal, Quintanilla asserts the trial court should have granted the motion to dismiss because the slander of title and fraudulent lien claims infringe on his constitutional rights to free speech and to petition, and West failed to establish a prima facie case for each element of the claims. Quintanilla also asserts that he established each element of his defenses to the claims by a preponderance of the evidence.

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