

Court Advisory

Fourth Court of Appeals
Cadena-Reeves Justice Center
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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 three appeals on Wednesday, September 27, 2017, beginning at 9:00 a.m., before the following panel of justices: Justice Marialyn Barnard, Justice Rebeca C. Martinez, and Justice Irene Rios.

The following cases will be presented:

Miguel Aguilar, Jr. v. The State of Texas – Miguel Aguilar appeals his conviction on one count of continuous sexual assault of a child and three counts of indecency with a child arguing three main issues: (1) he was denied a fair trial because a biased juror sat on his jury; (2) his trial counsel rendered ineffective assistance by failing to file a motion to quash the indictment based on double jeopardy and an unconstitutionally vague statute; and (3) the trial court abused its discretion by failing to hold a hearing on his motion for new trial.

Jean Eckford Hardaway, et al. v. Lou Eda Korth Stubbs Nixon, et al. – This is a summary judgment case involving issues relating to ouster and adverse possession. On appeal, appellants contend the trial court erred in granting summary judgment, arguing: (1) the trial court failed to require appellees to prove all elements of their adverse possession claim as a matter of law; (2) appellees raised genuine issues of material fact precluding summary judgment; (3) the trial court's finding that appellants hold record title created a genuine issue of material fact; and (4) the trial court misapplied relevant law in determining that an ouster had taken place, particularly in light of its de facto determination establishing a co-tenancy.

XTO Energy Inc. and Mobil Producing Texas and New Mexico, Inc. v. EOG Resources, Inc., et al. - This is an appeal in a trespass to try title action to determine superior title to a mineral estate. The trial court granted summary judgment in favor of appellees. On appeal, appellants contend the trial court erred in granting summary judgment because it misinterpreted the governing documents.

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