



Fourth Court of Appeals
San Antonio, Texas

DISSENTING OPINION

No. 04-13-00848-CV

IN RE Samantha LOZANO,

Original Mandamus Proceeding¹

Opinion by: Rebeca C. Martinez, Justice
Dissenting Opinion by: Luz Elena D. Chapa, Justice

Sitting: Karen Angelini, Justice
Rebeca C. Martinez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: December 20, 2013

This case involves the best interest of a four-year-old child and the extent to which a parent with an established history of drug abuse, including heroin, will have unrestricted and unsupervised possession of the child. Because of the nature of the case, I believe the trial court should have ordered the records produced and conducted an in camera inspection to determine whether the records were relevant to a determination of the child's best interest. I therefore respectfully dissent to the summary denial of the petition for a writ of mandamus.

Luz Elena D. Chapa, Justice

¹ This proceeding arises out of Cause No. 2010EM500779, styled *In the Interest of M.A.J., A Child*, pending in the 288th Judicial District Court, Bexar County, Texas, the Honorable Barbara Hanson Nellermeoe presiding.