

No. 2009CR12648A COUNT
INCIDENT NO./TRN: 9103876578

THE STATE OF TEXAS § IN THE 290TH DISTRICT
§
VS. § COURT
§
JAMES GARZA § BEXAR COUNTY, TEXAS
§
STATE ID No.: TX8458083 §

JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	HON. MELISA C SKINNER	Date Judgment Entered:	11-16-2011
Appearances:	DAVID B LUNAN	Attorney for Defendant:	C WAYNE HUFF
Attorney for State:	RICHARD T MOLINA		
<u>Offense for which Defendant Convicted:</u> CAPITAL MURDER - OTHER FELONY			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> 19.03 (A) (2) PC	
<u>Date of Offense:</u> 09-06-2009	<u>Plea to Offense:</u> NOT GUILTY	<u>Findings on Deadly Weapon:</u>	
<u>Degree of Offense:</u> CAPITAL FELONY	<u>Foreperson:</u> DENISE PENA		
<u>Verdict of Jury:</u>	<u>Verdict of Jury: (PUNISHMENT)</u>		
WE, THE JURY, FIND THE DEFENDANT, JAMES GARZA, GUILTY OF CAPITAL MURDER AS CHARGED IN THE INDICTMENT			

<u>Plea to 1st Enhancement Paragraph:</u>	N/A	<u>Plea to 2nd Enhancement/Habitual Paragraph:</u>	
<u>Findings on 1st Enhancement Paragraph:</u>	N/A	<u>Findings on 2nd Enhancement/Habitual Paragraph:</u>	
<u>Punished Assessed by:</u> COURT	<u>Date Sentence Imposed:</u> 11-16-2011	<u>Date Sentence to Commence:</u> 11-16-2011	
<u>Punishment and Place of Confinement:</u>	LIFE TDCJ-ID AND A FINE OF \$ 0.00 IMPRISONMENT (INSTITUTIONAL DIVISION):		
THIS SENTENCE SHALL RUN CONCURRENTLY UNLESS OTHERWISE SPECIFIED.			
SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A			
<u>Fine:</u> \$ 0.00	<u>Court Costs:</u> \$ 330.00PLUS ATTY FEES	<u>Restitution:</u> \$ 0.00	<u>Restitution Payable to:</u> <input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62.
The age of the victim at the time of the offense was

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited:	From: 10/05/2009	To: 11/16/2011	From:	To:	From:	To:
	From:	To:	From:	To:	From:	To:
	From:	To:	From:	To:	From:	To:

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.
NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.
This cause was called for trial in Bexar County, Texas. The State appeared by her District Attorney.

ORIGINAL TO COURT



Counsel / Waiver of Counsel (select one)

- Defendant appeared in person with Counsel.
- Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

It appeared to the Court that Defendant was mentally competent and had pleaded as shown above to the charging instrument. Both parties announced ready for trial. A jury was selected, impaneled, and sworn. The INDICTMENT was read to the jury, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and ORDERED it entered upon the minutes of the Court.

Punishment Assessed by Jury / Court / No election (select one)

- Jury. Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.
- Court. Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

The Court FINDS Defendant committed the above offense and ORDERS, ADJUDGES AND DECREES that Defendant is GUILTY of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

- Confinement in State Jail or Institutional Division. The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the Director, Institutional Division, TDCJ. The Court ORDERS Defendant to be confined for the period and in the manner indicated above. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court ORDERS that upon release from confinement, Defendant proceed immediately to the Bexar County District Clerk. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

Execution / Suspension of Sentence (select one)

- The Court ORDERS Defendant's sentence EXECUTED.
- The Court ORDERS Defendant's sentence of confinement SUSPENDED. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

DEADLY WEAPON FINDING

Signed and entered on this _____ day of NOV 16 2011 20

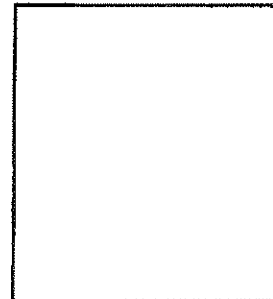
Notice of Appeal: ADVISED _____

JUDGE PRESIDING
MELISA C SKINNER
290TH DISTRICT COURT
BEXAR COUNTY, TEXAS

Clerk 13574



DC2009CR12648A



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ORIGINAL FOR HUNTER