



THE STATE OF TEXAS

V.

ERIC MATSUMURA DUVALL

STATE ID No.: TX-16025758

§
§
§
§
§
§
§

IN THE CRIMINAL DISTRICT COURT 1

EL PASO COUNTY, TEXAS

JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	HON. DIANE NAVARRETE	Date Sentence Imposed:	12/12/2019
Attorney for State:	JAMES MONTOYA ISAAC GUTIERREZ	Attorney for Defendant:	LEONARD MORALES

Offense for which Defendant Convicted:
CAPITAL MURDER BY TERROR THREAT/OTHER FELONY

Charging Instrument:	Statute for Offense:
INDICTMENT	19.03 (a)(2) PC

Date of Offense:	Plea to Offense:
01/16/2016	NOT GUILTY

Degree of Offense:
CAPITAL FELONY

Verdict of Jury:	Findings on Deadly Weapon:
GUILTY	AFFIRMATIVE TO WIT; A FIREARM

1 st Enhancement Paragraph:	N/A	Finding on 1 st Enhancement Paragraph:	N/A
--	-----	---	-----

2 nd Enhancement Paragraph:	N/A	Finding on 2 nd Enhancement Paragraph:	N/A
--	-----	---	-----

Punishment Assessed by:	Date Sentence Commences:
JURY	12/12/2019

(Date does not apply to confinement served as a condition of community supervision.)

Punishment and Place of Confinement: **LIFE WITHOUT PAROLE TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DISIVION**

THIS SENTENCE SHALL RUN: CONCURRENT WITH 20160D01662.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A
(The document setting forth the conditions of community supervision is incorporated herein by this reference.)

DO NOT APPLY Defendant is required to register as sex offender in accordance with Chapter 62, CCP.
(For sex offender registration purposes only) The age of the victim at the time of the offense was N/A.

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$N/A	\$224.00	\$0.00	N/A <small>(See special finding or order of restitution which is incorporated herein by this reference.)</small>

Was the victim impact statement returned to the attorney representing the State? N/A
(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? N/A

Total Jail Time Credit:	If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.		
1424	N/A DAYS	NOTES:	N/A

This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

- Defendant appeared with counsel.
- Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.
- Defendant was tried in absentia.

Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn, 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.

No Election. Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

In accordance with the jury's verdict, the Court ADJUDGES Defendant GUILTY of the above offense. The Court FINDS that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court ORDERS Defendant punished in accordance with the jury's verdict or Court's findings as to the proper punishment as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court ORDERS Defendant to pay the fine, court costs, and restitution, if any, 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 County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court ORDERS Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions of this paragraph. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

County Jail—Confinement / Confinement in Lieu of Payment. The Court ORDERS Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

Fine Only Payment. The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, and restitution ordered by the Court in this cause.

Confinement as a Condition of Community Supervision. The Court ORDERS Defendant confined _____ days in El Paso County Detention Facility as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Execution / Suspension of Sentence

The Court ORDERS Defendant's sentence EXECUTED. The Court FINDS that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

Furthermore, the following special findings or orders apply:

Deadly Weapon

The Court FINDS Defendant used or exhibited a deadly weapon, namely, a firearm, during the commission of a felony offense or during immediate flight therefrom or was a party to the offense and knew that a deadly weapon would be used or exhibited. TEX. CODE CRIM. PROC. art. 42.12 §3g.

The Court finds that the deadly weapon was a firearm

Date Judgment Signed: 12/18/2019

X
Hon. Diane Navarrete
JUDGE PRESIDING

Right Thumbprint

CLERK: Diane Reyes
12/16/2019

