



No. 2019CR12300A COUNT

INCIDENT NO./TRN: 9202125473

THE STATE OF TEXAS

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IN THE 186TH DISTRICT

VS.

COURT

JIMMY COUNG DUC TRAN

BEXAR COUNTY, TEXAS

STATE ID No.: TX50705372

JUDGMENT OF CONVICTION BY JURY

Judge Presiding: HON. KRISTINA ESCALONA Date Judgment Entered: 04-05-2023

Appearances: ANDREW H FIELDS Attorney for State: ANDREW H FIELDS Attorney for Defendant: ROBERT F GEBBIA

Offense for which Defendant Convicted:

CAPITAL MURDER - OTHER FELONY

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

Date of Offense: 08-12-2019 Plea to Offense: NOT GUILTY Findings on Deadly Weapon:

Degree of Offense: CAPITAL FELONY Foreperson: HERIBERTO RODRIGUEZ

Verdict of Jury: Verdict of Jury: (PUNISHMENT)

WE, THE JURY, FIND THE DEFENDANT, JIMMY COUNG DUC TRAN, GUILTY OF THE OFFENSE OF CAPITAL MURDER AS CHARGED IN THE INDICTMENT.

Plea to 1st Enhancement Paragraph: N/A Plea to 2nd Enhancement/Habitual Paragraph:

Findings on 1st Enhancement Paragraph: N/A Findings on 2nd Enhancement/Habitual Paragraph:

Punished Assessed by: COURT Date Sentence Imposed: 04-05-2023 Date Sentence to Commence: 04-05-2023

Punishment and Place of Confinement: 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

Fine: \$ 0.00 Court Costs: \$ 495.00 Restitution: \$ 0.00 Restitution Payable to: [] VICTIM (see below) [] 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: 08/23/2019 To: 02/28/2021 From: 10/06/2022 To: 04/05/2023

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.

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:

N/A

Signed and entered on this 5th day of APRIL 2023

Notice of Appeal: NOTICE GIVEN

JUDGE PRESIDING
KRISTINA ESCALONA
 186TH DISTRICT COURT
 BEXAR COUNTY, TEXAS

Clerk 13300
 DC2019CR12300A