

CAUSE NO. 07-CR-885-B

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| THE STATE OF TEXAS | § | IN THE DISTRICT COURT OF |
| VS | § | CAMERON COUNTY, TEXAS |
| MELISSA ELIZABETH LUCIO | § | 138TH JUDICIAL DISTRICT |

JUDGMENT OF JURY VERDICT OF GUILTY;
PUNISHMENT FIXED BY JURY-NO PROBATION GRANTED;
SENTENCE TO INSTITUTIONAL DIVISION
(DEATH SENTENCE)

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| Judge Presiding: Arturo Cisneros Nelson | Date of Judgment: 7/30/08 |
| State's | Defendant's Peter C. Gilman & |
| Attorney: Alfredo Padilla and Maria De Ford | Attorney: Adolfo Cordova |
| Offense | |
| Convicted of: Capital Murder | |

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| Degree of Offense: Capital Felony | Date Offense Committed: 2/17/07 |
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Charging Instrument: Indictment

Plea: Not Guilty

Jury Verdict: Found Guilty of Capital Murder

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| Plea to Enhancement Paragraphs: n/a | Enhancement Paragraph(s): n/a |
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Findings on Use of Deadly Weapon: n/a

Punishment assessed by: Jury

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| Date sentence imposed: July 22, 2008 | Costs: See Bill of Costs (Exhibit B) |
| Punishment and | Date to |
| Place of Confinement: DEATH | Commence: 7/22/08 |
| Time Credited: 521 Days | Total Amount of |
| | Restitution/Reparation: n/a |

Concurrent unless otherwise specified.

BE IT REMEMBERED that on the 29th day of May, 2008, this cause was called to trial and the State appeared by the attorney stated above, and the Defendant and the Defendant's attorney were also present, and the Defendant, having been duly arraigned, pleaded Not Guilty and both parties announced ready for trial; general voir dire was conducted by the Court and the jury panel qualified, thereafter, the individual voir dire was conducted and a jury of good and lawful persons, was selected from the period of June 2, 2008, through June 23, 2008, including two alternate jurors, whereupon, said cause was recessed until June 30, 2008.

THEREAFTER, on June 30, 2008, a jury, to wit: Melissa Quintanilla and thirteen others, including two alternate jurors, having been duly selected was empaneled and sworn according to the law and charged by the Court on separation; the indictment was read to the jury and the Defendant entered her plea of Not Guilty thereto whereupon the State presented testimony and introduced evidence and said cause was recessed until **July 1, 2008**. The State continued with their testimony and evidence through **July 2, 2008**; whereupon the State rests. Defendant made oral motion for directed verdict. Defendant's motion for directed verdict denied. Said cause is recessed until **July 7, 2008**.

THEREAFTER, on **July 7, 2008**, Defendant presented testimony and introduced evidence and rested. All parties closed; whereupon, said cause was recessed until July 8, 2008.

THEREAFTER, on July 8, 2008, the charge was prepared and submitted to all counsel. Defendant made oral motion for lesser included offense of Injury to a Child. Said motion denied. THEREAFTER, the Court charged the jury as to the law applicable to said cause and argument of counsel for the State and the Defendant was duly heard and concluded; whereupon alternate jurors Maricela D. Hernandez and Emma Molina were excused from further jury service. The jury retired in charge of the proper officer to consider their verdict and afterward was brought

into open court by the proper officer, the Defendant and his counsel being present, and in due form of law returned into open court the following verdict, which was received by the Court and is here now entered upon the Minutes of the Court, to wit:

“We, the Jury, find the defendant, Melissa Elizabeth Lucio, “Guilty” of the offense of Capital Murder as alleged in the indictment.

/s/ Melissa Quintanilla
Presiding Juror”

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, Melissa Elizabeth Lucio, is guilty of the offense of **Capital Murder** as found by the jury, and that said offense was committed on February 17, 2007. Thereafter, the Court excused the jury until **July 9, 2008**.

THEREAFTER, on **July 9, 2008**, the same jury was duly empaneled to assess Defendant’s punishment in said cause. The evidence submitted for the State was heard, whereupon the State rested. Defendant made oral motion for directed verdict. Said Motion was denied. Defense presented evidence; whereupon, said cause was recessed until July 10, 2008.

THEREAFTER, on July 10, 2008, Defendant continued to offer evidence and rested. Defendant reurged oral motion for directed verdict. Said motion was denied. State offered rebuttal testimony. Both sides closed. At the conclusion of such evidence, the Court charged the jury with additional instructions as to the law applicable to punishment of said cause and arguments of State and Defendant were duly heard and concluded. Thereafter, the jury retired in charge of the proper officer to consider their verdict and thereafter returned into open court, accompanied by the proper officer, the State and the Defendant and his counsel being present, and in due form of law, the Court read the answers to the issues submitted, as follows:

SPECIAL ISSUE NUMBER 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your verdict, you answer "Yes" or "No".

Answer: We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue Number 1 is "Yes"

Melissa Quintanilla
Presiding Juror

SPECIAL ISSUE NUMBER 2

Taking into consideration all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

In your verdict, you will answer "Yes" or "No".

Answer: We, the jury, unanimously find that the answer to Special Issue Number 2 is "No".

Melissa Quintanilla
Presiding Juror

We, the jury, return in open Court the above answers to the Special Issues submitted to us and the same is our verdict in this case.

Melissa Quintanilla
Presiding Juror"

THEREAFTER, defense counsel requested that the jury be polled. The jury was then polled and the unanimous verdict was received by the Court and is here now entered upon the Minutes of the Court. The jury was then discharged..

IT IS, THEREFORE, CONSIDERED AND ADJUDGED by the Court that the Defendant, Melissa Elizabeth Lucio, is guilty of the offense of Capital Murder, as found by the jury, and that she be punished, in accordance with the Special Issues answered by the Jury, and sentenced to DEATH and the State of Texas do have and recover of and from said Defendant all costs in this prosecution, for which execution may issue; whereupon, said cause was recessed until July 22, 2008.

THEREAFTER, on July 22, 2008, all parties appeared and announced ready for sentencing. IT IS THE ORDER of the Court, that the Defendant, Melissa Elizabeth Lucio, who has been adjudged guilty of Capital Murder by the jury and whose punishment has been assessed by the jury and sentenced to DEATH, be delivered by the Sheriff of Cameron County, Texas, immediately to the Director of Corrections of the Texas Department of Criminal Justice, Institutional Division, or other person legally authorized to receive such convicts, and the said Melissa Elizabeth Lucio shall be confined in said Texas Department of Criminal Justice, Institutional Division, Division until said death sentence can be carried out, in accordance with the provisions of the law governing the penitentiaries and the Texas Department of Criminal Justice, Institutional Division. The Defendant is hereby remanded to the custody of the Sheriff, until such time as the Sheriff can obey the directions of this sentence.

IT IS FURTHER ORDERED by the Court that Defendant's left or right thumb be fingerprinted, and that said thumbprint be marked as Exhibit "A" and is made a part hereof for all purposes.

Said Defendant is given credit on this sentence for five-hundred-twenty-one (521) days on account of the time spent in jail.


SIGNED FOR ENTRY: July 31, 2008.



Arturo Cisneros Nelson
Judge Presiding

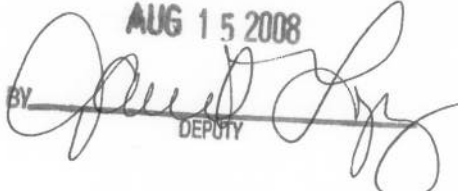
FILED 8:10 O'CLOCK A.M.
AURORA DE LA GARZA, DIST. CLERK

AUG - 1 2008

DISTRICT COURT CAMERON COUNTY TEXAS
BY  DEPUTY

A TRUE COPY I CERTIFY
AURORA DE LA GARZA, CLERK
DISTRICT COURT CAMERON COUNTY, TEXAS

AUG 15 2008

BY  DEPUTY

