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CASE NO. 1078788D COUNT ONE
INCIDENT NO./TRN: 9039809631

THE STATE OF TEXAS

IN THE 213TH DISTRICT COURT

v.

DUSTIN W NALL

TARRANT COUNTY, TEXAS

STATE ID No.: TX05789522

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JUDGMENT OF CONVICTION BY JURY

Judge Presiding: **HON. LOUIS E. STURNS** Date Judgment Entered: **8/30/2010**

Attorney for State: **JOE SHANNON, JR.
CATHERINE SIMPSON
LLOYD WHELCHER** Attorney for Defendant: **ROBERT FORD
JOETTA KEENE**

Offense for which Defendant Convicted:
CAPITAL MURDER

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

Date of Offense: **8/4/2007**

Degree of Offense: **CAPITAL FELONY** Plea to Offense: **NOT GUILTY**

Verdict of Jury: **Guilty** Findings on Deadly Weapon: **Yes, a knife**

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

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

Punishment Assessed by: **Court** Date Sentence Imposed: **8/30/2010** Date Sentence to Commence: **8/30/2010**

Punishment and Place of Confinement: **LIFE Institutional Division, TDCJ**

THIS SENTENCE SHALL RUN **N/A**.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR **N/A**.

Fine: **N/A** Court Costs: **\$286.00** Restitution: **N/A** 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 **N/A**.

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

Time Credited: **From: 8/4/2007 To: 8/30/2010**

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

N/A Days 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 TARRANT 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)

- N/A. Defendant entered a plea and filed a written election to have the jury assess punishment. The State waived the death penalty. The defendant was found guilty of capital murder. The Court therefore assessed punishment as required by law at life with out parole.
- 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.

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.
- County Jail Confinement / Confinement in Lieu of Payment. The Court ORDERS Defendant immediately committed to the custody of the Sheriff of County, Texas on the date the sentence is to commence. Defendant shall be confined in the County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the. 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.
- Fine Only Payment. The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the Office of the County. Once there, the Court ORDERS Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

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:

HABITUAL OFFENDER NOTICE - WAIVED

NOTICE OF APPEAL FILED: AUGUST 30, 2010

Signed and entered on 9/2/2010

X 
 JUDGE PRESIDING

THE STATE OF TEXAS

v.

DUSTIN W NALL

STATE ID No.: TX05789522

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IN THE 213TH DISTRICT COURT

TARRANT COUNTY, TEXAS

Date: AUG 30 2010



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PERSON TAKING PRINT

JUDGMENT AND SENTENCE
FINGERPRINT PAGE

Clerk

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