



CASE No. D-1-DC-06-904006 COUNT I
INCIDENT No./TRN: 9071355349

Filed in The District Court
of Travis County, Texas

MAR 11 2010

At 10:58 AM
Amalia Rodriguez-Mendoza, Clerk JP

THE STATE OF TEXAS

IN THE 331ST DISTRICT

V.

COURT

MILTON DWAYNE GOBERT

TRAVIS COUNTY, TEXAS

STATE ID No.: TX04496698

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JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	HON. BOB PERKINS	Date Judgment Entered:	3/10/2010
Attorney for State:	GARY COBB//ALLISON WETZEL	Attorney for Defendant:	LEONARD MARTINEZ//KENT ANSCHUTZ

Offense for which Defendant Convicted:
CAPITAL MURDER

<u>Charging Instrument:</u> INDICTMENT	<u>Statute for Offense:</u> 19.03 Penal Code
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Date of Offense:
10/6/2003

<u>Degree of Offense:</u> CAPITAL FELONY	<u>Plea to Offense:</u> NOT GUILTY
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<u>Verdict of Jury:</u> GUILTY	<u>Findings on Deadly Weapon:</u> YES, NOT A FIREARM
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<u>Plea to 1st Enhancement Paragraph:</u> N/A	<u>Plea to 2nd Enhancement/Habitual Paragraph:</u> N/A
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<u>Findings on 1st Enhancement Paragraph:</u> N/A	<u>Findings on 2nd Enhancement/Habitual Paragraph:</u> N/A
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<u>Punished Assessed by:</u> JURY	<u>Date Sentence Imposed:</u> 3/10/2010	<u>Date Sentence to Commence:</u> 3/10/2010
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Punishment and Place of Confinement: **DEATH (INSTITUTIONAL DIVISION, TDCJ)**

THIS SENTENCE SHALL RUN CONCURRENTLY.

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

<u>Fine:</u> \$ N/A	<u>Court Costs:</u> \$ 198.00	<u>Restitution:</u> \$ N/A	<u>Restitution Payable to:</u> <input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)
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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 10/8/2003 to 3/10/2010	From	to	From	to
	From	to	From	to	From

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 Travis 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.

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 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): DEATH

Confinement in 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 until such time as he is executed. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence.

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.

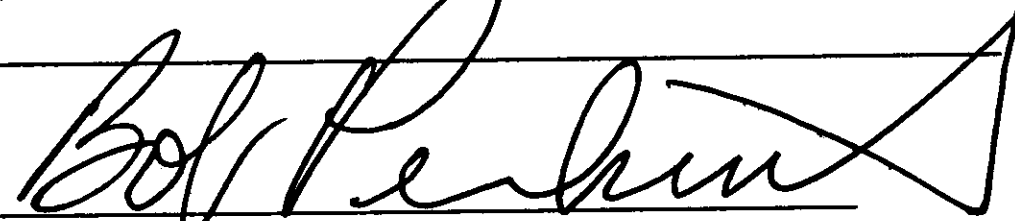
The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

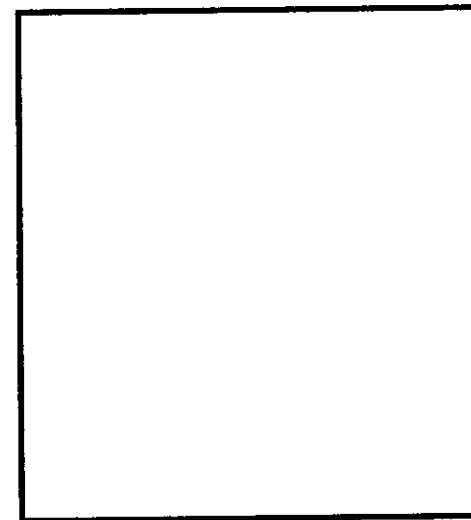
Deadly Weapon.

The Court FINDS Defendant used or exhibited a deadly weapon, namely, A KNIFE , during the commission of a felony offense.

Signed and entered on *March 11, 2010.*

X 

BOB PERKINS
JUDGE PRESIDING



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Clerk: JP