

Punishment assessed by: Jury Costs: See Bill of Costs (Exhibit B)

Date sentence imposed: 06/05/2018 Fine: \$10,000.00

Punishment and
Place of Confinement: DEATH (TDCJ-ID) – Count I *and* LIFE (TDCJ-ID) – Count II

Date to
Commence: 06/05/2018

Time Credited: 1412 Days Total Amount of
Restitution/Reparation: N/A

This sentence is to be served concurrent with any other sentence unless otherwise specified.

BE IT REMEMBERED that on the **14th day of May, 2018**, this cause was called to trial in Cameron County, Texas, (venue change from Willacy County, Texas) and the State appeared by the attorneys stated above, and the Defendant and the Defendant's attorneys were also present, along with the court interpreter, and the Defendant, having been duly arraigned, pleaded Not Guilty and both parties announced ready for trial; thereupon a jury of good and lawful persons, was selected from the period of **February 13, 2018 through May 14, 2018**, to wit: Ramona Martinez Guajardo and thirteen others, including two alternate jurors, were duly selected, empaneled and sworn according to the law. The indictment was read to the jury and the Defendant entered his Plea of Not Guilty thereto whereupon the State made their opening Statement and the Defense reserved in making their opening statement at this time. State began presenting their evidence and called their first witness; the Court charged the jury on separation, whereupon said cause was recessed until **May 15, 2018**.

THEREAFTER, on **May 15, 2018**, the court ruled on admission of pictures and the State continued presenting their evidence, whereupon said case was recessed until **May 16, 2018**.

THERAFTER, on **May 16, 2018**, the State continued presenting their evidence, whereupon said cause was recessed until **May 17, 2018**.

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THEREAFTER, on **May 17, 2018**, the State continued presenting their evidence, whereupon said cause was recessed until **May 18, 2018**.

THEREAFTER, on **May 18, 2018**, the State continued presenting their evidence and an issue arose as to the chain of custody, whereupon the jury was excused to leave early and return until Monday, May 21, 2018 at 1 p.m. for an Evidentiary Hearing to be held on Monday, May 21, 2018 at 8:30 a.m. Defendant's Motion for Mistrial Denied by the court, whereupon said cause was recessed until **May 21, 2018**.

THEREAFTER, on **May 21, 2018**, Court held Evidentiary Hearing and the Defendant's Motion for Mistrial was Denied again by the court. State continued presenting their evidence and whereupon said cause was recessed until **May 22, 2018**.

THEREAFTER, on **May 22, 2018**, the State filed and argued their Motion to Introduce Extraneous Bad Acts and presented to the Court case law. After the Court having reviewed the case law, the Court Denied said motion. State then continued presenting their evidence and whereupon said cause was recessed until **May 23, 2018**.

THEREAFTER, on **May 23, 2018**, the Court held another Evidentiary Hearing outside the presence of the jury. Witnesses were called to testify. The Defendant's Motion on Morton and Brady Violations is Denied and the prior Court's ruling stand. The Defendant asked for a Mistrial and the Court Denied. The Jury is then brought back to the court room and the witnesses continue to testify, whereupon said cause is recessed until **May 24, 2018**.

THEREAFTER, on **May 24, 2018**, the Court heard arguments outside the presence of the jury and the Defendant urged the Motion for Mistrial and the Court Denied again. The jury is then brought back to the court room and witnesses continue to testify. The State rests and the
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Defendant's Motion for a Directed Verdict is Denied by the Court. The Court then held an ex-parte hearing outside the presence of the jury and others. The jury is then brought back to the court room and the Defense started presenting their witnesses to testify and whereupon said cause is recessed until **May 25, 2018**.

THEREAFTER, on **May 25, 2018**, the Defendant waived their opening statement and witnesses continue to testify, whereupon said cause was recessed until **May 29, 2018**.

THEREAFTER, on **May 29, 2018**, witness Angelita Garcia testified with the presence of her attorney Hon. Enrique Juarez. Witnesses continue to testify. The Defendant urged for a Mistrial again and was Denied by the Court. Bill is made by the Defense and witnesses testify outside the presence of the jury. The jury is then brought back to the court room and the Defense rests and makes closing arguments, whereupon said cause is recessed until **May 30, 2018**.

THEREAFTER, on **May 30, 2018**, the charge was prepared and submitted to all counsel. Jury Charge objections were made on the record. The Defendant's Motion for a Directed Verdict of Acquittal is Denied by the Court. THEREAFTER, the Court charged the jury as to the law applicable to said cause and arguments of counsel for the State and the Defendant was duly heard and concluded and 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, Gustavo Tijerina Sandoval, “Guilty” of the offense of Capital Murder, as alleged in Count I of the Indictment.

/s/ Ramona Martinez Guajardo
Presiding Juror”

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AND

“We, the Jury, find the defendant, Gustavo Tijerina Sandoval, “Guilty” of the offense of Attempted Capital Murder, as alleged in Count II of the indictment.

/s/ Ramona Martinez Guajardo
Presiding Juror”

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant is guilty of the offenses of **Capital Murder in Count I and Attempted Capital Murder in Count II**, as found by the jury, and that said offense was committed on **August 3, 2014**. Whereupon said jury panel was sequestered and cause was recessed **until May 31, 2018**.

THEREAFTER, on **May 31, 2018**, an ex-parte hearing with the defendant being present is held outside the presence of the jury and others and then the jury was brought into court room. The Defendant is not present at this time and having previously elected in writing to have his punishment assessed by the same jury, as to Count II, the same jury was duly empaneled to assess Defendant’s punishment in said cause. Opening statements were made by the State and the Defendant reserved their opening statement. State presented their witnesses to testify and whereupon said cause was recessed until **June 1, 2018**.

THEREAFTER, on **June 1, 2018**, the Defendant was not present and the State continued presenting their witnesses to testify. State rested. The Defendant’s Motion for a Directed Verdict of Acquittal was Denied by the Court. The Defense waived their opening statement. The Defense called witnesses who testified and whereupon said cause was recessed until **June 4, 2018**.

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THEREAFTER, on **June 4, 2018**, the Defendant was not present and the Court held a proceeding in regards to the defense witness, outside the presence of the jury. The jury was dismissed for the day. An ex-parte hearing is held and whereupon said cause was recessed until **June 5, 2018**.

THEREAFTER, on **June 5, 2018**, the Defendant is not present and the witness for the defendant testified. The Defense rested. 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 the State and the Defendant were duly heard and concluded. Thereafter, the jury retired in charge of the proper officer to consider their verdict as to the Defendant's punishment. Closing statements were made. The Defendant's Motion for Directed Verdict of Acquittal and Motion for Mistrial were Denied by the Court. The jury continued their deliberations and thereafter returned into open court, accompanied by the proper officer, the State and the Defendant's counsel only being present, and in due form of law, the Court read the answers to the issues submitted, as follows:

"COUNT I – SPECIAL ISSUE NO. 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?

Answer: We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue No. 1 is "YES."

/s/ **Ramona Martinez Guajardo**
Presiding Juror

"COUNT I – SPECIAL ISSUE NO. 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,

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do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

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

/s/ Ramona Martinez Guajardo
Presiding Juror

COUNT II

"We, the Jury, having found the defendant, **Gustavo Tijerina Sandoval**, guilty of Attempted Capital Murder, assess his punishment at confinement in the Texas Department of Criminal Justice, Institutional Division for LIFE, (5 years to 99 years or Life) and we DO (choose either DO or DO NOT) assess a fine in the amount of \$10,000.00.

/s/ Ramona Martinez Guajardo
Presiding Juror

THEREAFTER, the 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, **Gustavo Tijerina Sandoval**, is guilty of the offense of Capital Murder in Count I and guilty of the offense of Attempted Capital Murder in Count II, as found by the jury, and that he be punished, in accordance with the Special Issues answered in Count I and Count II by the Jury, and sentenced to **Death in Count I and Life in Count II, and a fine of \$10,000.00**, in the Texas Department of Criminal Justice, Institutional Division, and the State of Texas do have and recover of and from said Defendant all costs in this prosecution, for which execution may issue.

IT IS THE ORDER of the Court, that the Defendant, **Gustavo Tijerina Sandoval**, who has been adjudged guilty of Capital Murder in Count I and Attempted Capital Murder in Count II, by the jury and whose punishment has been assessed by the jury and sentenced to **Death in**

Count I and Life in Count II, and a fine of \$10,000.00, in the Texas Department of Criminal Justice, Institutional Division, and the State of Texas do have and recover of and from said Defendant all costs in this prosecution, for which execution may issue.

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Justice, Institutional Division, 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 **Gustavo Tijerina Sandoval**, shall be confined in said Texas Department of Criminal Justice, Institutional 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.

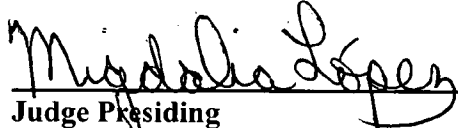
Said Defendant is given credit on this sentence for **1412** days on account of the time spent in jail.

SIGNED FOR ENTRY: June 14, 2018.

FILED 3:21 o'clock P.M.
ERIC GARZA - DISTRICT CLERK

JUN 17 2018

DISTRICT COURT OF CAMERON COUNTY, TEXAS
By  Deputy #27


Judge Presiding

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