



CASE NO. 184865001010
INCIDENT NO./TRN: 9268152975D002

THE STATE OF TEXAS

v.

SPATES, DAVID

STATE ID No.: TXTX02617017

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IN THE 176TH DISTRICT

COURT

HARRIS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY JURY—NON-DEATH CAPITAL

Judge Presiding:	HON. DENISE COLLINS	Date Judgment Entered:	01/22/2024
Attorney for State:	KATHRYN ROGERS & MEGAN LONG	Attorney for Defendant:	WELTIN, ANGELA JOHNSON
<u>Offense for which Defendant Convicted:</u>			
CAPITAL_MURDER			
<u>Charging Instrument:</u>		<u>Statute for Offense:</u>	
INDICTMENT		N/A	
<u>Date of Offense:</u>			
06/24/2020			
<u>Degree of Offense:</u>		<u>Plea to Offense:</u>	
CAPITAL FELONY		NOT GUILTY	
<u>Verdict of Jury:</u>		<u>Findings on Deadly Weapon:</u>	
GUILTY		YES, NOT A FIREARM	
<u>Plea to 1st Enhancement Paragraph:</u>		<u>Plea to 2nd Enhancement/Habitual Paragraph:</u>	
N/A		N/A	
<u>Findings on 1st Enhancement Paragraph:</u>		<u>Findings on 2nd Enhancement/Habitual Paragraph:</u>	
N/A		N/A	
<u>Punished Assessed by:</u>		<u>Date Sentence Commences:</u>	
JURY		1/22/2024	
<u>Punishment and Place of Confinement:</u>		LIFE WITHOUT PAROLE, INSTITUTIONAL DIVISION, TDCJ	

THIS SENTENCE SHALL RUN CONCURRENTLY .

<u>Fines:</u>	<u>Restitution:</u>	<u>Restitution Payable to:</u>
\$	\$	(See special finding or order of restitution which is incorporated herein by this reference.)
<u>Court Costs:</u>	<u>Reimbursement Fees:</u>	
\$ 290.00	\$ 90.00	

Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.

(For sex offender registration purposes only) The age of the victim at the time of the offense was N/A .

Was the victim impact statement returned to the attorney representing the State? N/A

(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? N/A

Total Jail Time

Credit: 1250

DAYS

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

N/A DAYS

NOTES: TOWARD INCARCERATION, FINE, AND COSTS

This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

Counsel/ Waiver of Counsel (select one)

- Defendant appeared with counsel.
- Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.
- Defendant was tried in absentia.

Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn, 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.

In accordance with the jury's verdict, the Court ADJUDGES Defendant GUILTY of the above offense. The Court FINDS that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court ORDERS Defendant punished in accordance with the jury's verdict or Court's findings as to the proper punishment as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court ORDERS Defendant to pay the fines, court costs, reimbursement fees, and restitution as indicated above and further detailed below.

The Court ORDERS the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court ORDERS Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions in this paragraph. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fines, court costs, reimbursement fees, and restitution due.

Fines Imposed Include (check each fine and enter each amount as pronounced by the court):

- General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, Transp. Code, or other Code) \$ (not to exceed \$10,000)
- Add'l Monthly Fine for Sex Offenders (Art. 42A.653, Code Crim. Proc.) \$ 5.00 (\$5.00/per month of community supervision) TOTAL \$
- Child Abuse Prevention Fine (Art. 102.0186, Code Crim. Proc.) \$ 100.00 (\$100)
- EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) \$ 100.00 (\$100)
- Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) \$ 100.00 (\$100)
- Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) \$ 50.00 (\$50)
- State Traffic Fine (§ 542.4031, Transp. Code) \$ 50.00 (\$50)
- Children's Advocacy Center Fine - as Cond of CS (Art. 42A.455, Code Crim. Proc.) \$ (not to exceed \$50)
- Repayment of Reward Fine (Art. 37.073/42.152, Code Crim. Proc.) \$ (To Be Determined by the Court)
- Repayment of Reward Fine - as Cond of CS (Art. 42A.301 (b) (20), Code Crim. Proc.) \$ (not to exceed \$50)
- DWI Traffic Fine (a/k/a Misc. Traffic Fines) (§ 709.001, Transp. Code) \$ (not to exceed \$6,000)

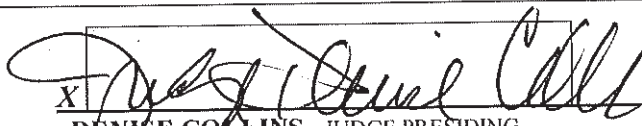
Execution of Sentence

- The Court ORDERS Defendant's sentence EXECUTED. The Court FINDS that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

Furthermore, the following special findings or orders apply:

THE COURT FINDS DEFENDANT USED OR EXHIBITED A DEADLY WEAPON, NAMELY, A KNIFE, DURING THE COMMISSION OF A FELONY OFFENSE OR DURING IMMEDIATE FLIGHT THEREFROM OR WAS A PARTY TO THE OFFENSE AND KNEW THAT A DEADLY WEAPON WOULD BE USED OR EXHIBITED. TEX. CODE CRIM. PROC. ART. 42.12 §3G.

Date Judgment Entered: January 22, 2024


 X Denise Collins
 DENISE COLLINS JUDGE PRESIDING

Clerk: E BENITEZ

Notice of Appeal Filed: 1/22/2024

Mandate Received: _____ Type of Mandate: _____

After Mandate Received, Sentence to Begin Date is: _____

Jail Credit: _____ DAYS



Thumbprint

Case Number: 1848650 Court: 176TH Defendant: **SPATES, DAVID**

WRITTEN ADMONITION ON INELIGIBILITY TO POSSESS FIREARM OR
AMMUNITION

In accordance with Texas Administrative Code §176.1, the Court hereby admonishes you of the following:

1. You are, by entry of order or judgment, ineligible under Texas law to possess a firearm or ammunition.
2. Beginning now, if you possess a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney.

3. Under Texas Penal Code §46.01(3):

- a. "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use
- b. "Firearm" does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is (1) an antique or curio firearm manufactured before 1899 or (2) a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.

The statutes listed below are a starting point for ineligibility to possess a firearm or ammunition. For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney.

- Code of Criminal Procedure Article 17.292 – Magistrate’s Order for Emergency Protection
- Code of Criminal Procedure Article 42.0131 – Notice for Persons Convicted of Misdemeanors Involving Family Violence
- Penal Code §46.02 – Unlawful Carrying Weapons
- Penal Code §46.04 – Unlawful Possession of Firearm
- Penal Code §25.07 – Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case
- Family Code §85.026 – Warning on Protective Order

DATE: 01/22/2024

DEFENDANT: 

CASE NUMBER: 184865001010

DEFENDANT NAME: SPATES, DAVID