

THE STATE OF TEXAS § IN THE **275TH** JUDICIAL
Vs. **JOHN DAVID URBINA**, § DISTRICT COURT OF
DEFENDANT § HIDALGO COUNTY, TEXAS
SID: TX 07385350

**JUDGMENT OF CONVICTION BY JURY &
LIFE SENTENCE TO THE INSTITUTIONAL DIVISION
OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

DATE OF JUDGMENT: September 18, 2008
JUDGE PRESIDING: **JUAN R. PARTIDA**
ATTORNEY FOR THE STATE: **JEFF ROSSBOROUGH**
OFFENSE CODE: **09990022**
ATTORNEY FOR THE DEFENDANT: **O. RENE FLORES**
OFFENSE: **CAPITAL MURDER, AS CHARGED IN THE
INDICTMENT**
DATE OF OFFENSE: **APRIL 22, 2007**
DEGREE OF OFFENSE: **CAPITAL FELONY**
STATUTE FOR OFFENSE: **19.03 (a)(2) PENAL CODE**
APPLICABLE PUNISHMENT RANGE: **LIFE OR DEATH**
(Including enhancements if any):
CHARGING INSTRUMENT: **INDICTMENT or INFORMATION**
PLEA TO OFFENSE: **NOT GUILTY**
JURY VERDICT FOR OFFENSE: **GUILTY**
PUNISHMENT IMPOSED BY COURT: **LIFE IMPRISONMENT WITHOUT PAROLE**
PLACE OF IMPRISONMENT **INSTITUTIONAL DIVISION OF THE TEXAS
DEPARTMENT OF CRIMINAL JUSTICE**
FINE: **NONE**
RESTITUTION: **NONE**
CREDIT FOR TIME SPENT IN JAIL: **501 DAYS**
DISMISS: **NONE**
CONSIDER: **NONE**
CONCURRENT WITH: **NONE**
PLEA TO ENHANCEMENT **NONE**
PARAGRAPH(S):
FINDING TO ENHANCEMENT: **NONE**
FINDING ON DEADLY WEAPON: **AFFIRMATIVE**
COURT COSTS: **\$ 291.00**
DATE SENTENCE IMPOSED: **SEPTEMBER 18, 2008**

On **SEPTEMBER 8, 2008**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **JEFF ROSSBOROUGH**, and the Defendant and the Defendant's attorney, **O. RENE FLORES**, were also present. Thereupon both sides announced ready for trial, and the Defendant pleaded **NOT GUILTY** to the offense charged in the indictment or information. A Jury was duly selected, impaneled and sworn. Having heard the evidence submitted and having been duly charged by the Court, the Jury retired to consider their verdict. Afterward, on **SEPTEMBER 15, 2008**, being brought into open court by the proper officer, the Defendant, the Defendant's Attorney and the State's Attorney being present, and being asked if the Jury had agreed upon a verdict, the Jury Judgment of Conviction by Court & Sentence, Case No. CR-2961-07-E

answered it had and returned to the Court a verdict, which was read aloud, received by the Court, and is now entered upon the minutes of the Court as follows:

We the Jury, fine the Defendant, JOHN DAVID URBINA, GUILTY of the offense of CAPITAL MURDER, as charged in the indictment.

Thereupon, the State having elected not to seek the death penalty as allowed under Article 37.071 Section 1 of the Texas Code of Criminal Procedure, the Court then asked the Defendant whether the Defendant had anything to say why the sentence should not be pronounced upon Defendant, and the Defendant having answered nothing in bar thereof, the Court proceeded to pronounce sentence upon Defendant.

It is therefore **ORDERED, ADJUDGED and DECREED** by the Court that the Defendant is guilty of the offense of **CAPITAL MURDER, AS CHARGED IN THE INDICTMENT, CAPITAL FELONY**, committed on **APRIL 22, 2007**; that the punishment is fixed at **LIFE imprisonment** in the **INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE** without parole, and a Fine of **NONE**; and that the State of Texas do have and recover of the Defendant all court costs in this prosecution expended, for which execution will issue.

A pre-sentence investigation report **WAS NOT DONE** according to Article 42.12, Sec. 9, CCP.

It is further **ORDERED** by the Court that the Defendant be taken by the authorized agent of the State of Texas or by the Sheriff of Hidalgo County, Texas, and be safely conveyed and delivered to the Director of the Institutional Division of the Texas Department of Criminal Justice, there to be confined in the manner and for the period aforesaid, and the Defendant is hereby remanded to the custody of the Sheriff of Hidalgo County, Texas, until such time as the Sheriff can obey the directions of this sentence.

Furthermore, the following special findings or orders apply:

The Court finds, by the Jury's verdict, that the Defendant used or exhibited a deadly weapon, namely, **FIREARM**, during the commission of a felony offense or during immediate flight there from, or was a party to the offense and knew that a deadly weapon would be used or exhibited.

The Court, upon the State's motion, **DISMISSED** the following count, case or complaint: **NONE**.

The Court, upon the Defendant's request and the State's consent, **CONSIDERED** as an admitted unadjudicated offense the following count, case or complaint: **NONE**.

The Court finds that this sentence shall run concurrent with: **NONE**.

The Court finds that the Defendant shall be credited with **501 DAYS** on his sentence for time spent in jail in this cause.

The Court finds the Defendant owes **NONE** for the Fine, **NONE** in restitution,
\$ _____ in court costs.

Signed on the 18th day of September, 2008.

Juan R. Parida
Judge Presiding

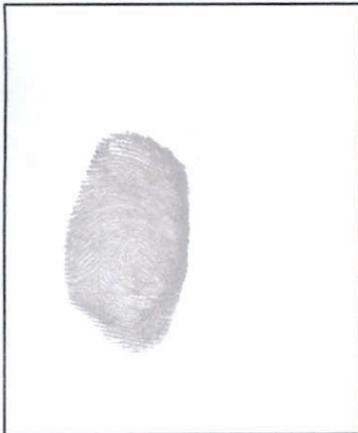
Receipt is hereby acknowledged on the date shown above of one copy of this Judgment
& Sentence.

[Signature]
Defendant

[Signature]
Community Supervision Officer

MMP

Defendant's right thumbprint



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