

Case No. CR-3338-06-H (COUNT TWO)
TRN 9040530777 A002

THE STATE OF TEXAS § IN THE 389TH JUDICIAL
v. JESUS REYNALDO PEREZ § DISTRICT COURT OF
RODRIGUEZ, § HIDALGO COUNTY, TEXAS
DEFENDANT
SID: TX 06563802

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

DATE OF JUDGMENT: April 3, 2007
JUDGE PRESIDING: LETICIA LOPEZ
ATTORNEY FOR THE STATE: HOPE PALACIOS/ABIEL FLORES
ATTORNEY FOR THE DEFENDANT: ROGELIO GARZA/MELISSA RIOS MONTES
OFFENSE CODE: 09990020 (A)
OFFENSE: ATTEMPTED CAPITAL MURDER, as
charged in the indictment
DATE OF OFFENSE: JANUARY 25, 2002
DEGREE OF OFFENSE: A FIRST DEGREE FELONY
STATUTE FOR OFFENSE: 19.03 PC
APPLICABLE PUNISHMENT RANGE: LIFE OR 5-99 YEARS IN PRISON/\$10,000
(Including enhancements if any): FINE MAX
CHARGING INSTRUMENT: INDICTMENT
PLEA TO OFFENSE: NOT GUILTY
JURY VERDICT FOR OFFENSE: GUILTY
PUNISHMENT IMPOSED BY JURY: 20 YEARS IMPRISONMENT
PLACE OF IMPRISONMENT: INSTITUTIONAL DIVISION OF THE TEXAS
DEPARTMENT OF CRIMINAL JUSTICE
FINE: NONE
RESTITUTION: NONE
CREDIT FOR TIME SPENT IN JAIL: 261 DAYS
DISMISS: NONE
CONSDIER: NONE
CONCURRENT WITH: COUNT 1
PLEA TO ENHANCEMENT: NONE
PARAGRAPH(S):
FINDING TO ENHANCEMENT: NONE
FINDING ON DEADLY WEAPON: AFFIRMATIVE
COURT COSTS: NONE
DATE SENTENCE IMPOSED: APRIL 3, 2007

On **MARCH 20, 2007**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **HOPE PALACIOS/ABIEL FLORES**, and the Defendant and the Defendant's attorney, **ROGELIO GARZA/MELISSA RIOS MONTES**, 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 Judgment of Conviction by Court & Sentence, Case No. CR-3338-06-H (COUNT TWO)

charged by the Court, the Jury retired to consider their verdict. Afterward, on **MARCH 29, 2007**, 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 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, find the Defendant, JESUS REYNALDO PEREZ RODRIGUEZ, GUILTY of the offense of ATTEMPTED CAPITAL MURDER, as charged in the indictment.

**/s/ EDUARDO GONZALEZ
PRESIDING JUROR"**

Thereupon, the Defendant having previously elected to have the punishment assessed by the Jury, pleaded to the enhancement paragraphs, if any, as stated above, and the jury was called back into the box and heard evidence related to the question of punishment. Thereafter, the jury retired to consider such question and, after having deliberated, the jury was brought back 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 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, having found the Defendant, JESUS REYNALDO PEREZ RODRIGUEZ, guilty of the offense of ATTEMPTED CAPITAL MURDER, assess punishment at imprisonment in the Institutional Division of the Texas Department of Criminal Justice for 20 years.

**/s/ EDUARDO GONZALEZ
PRESIDING JUROR"**

A pre-sentence investigation report **WAS NOT DONE** according to Article 42.12, Sec. 9, CCP. And thereupon on **APRIL 3, 2007**, 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 **ATTEMPTED CAPITAL MURDER, as charged in the indictment, A FIRST DEGREE FELONY**, committed on **JANUARY 25, 2002**; that the punishment is fixed at **20 YEARS** in the **INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE** and a Fine of **NONE**.

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, a **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**.

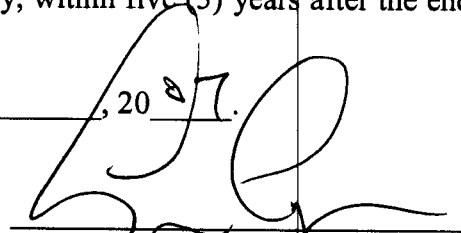
The Court, upon the Defendant's request and the State's consent, **CONSIDERED** as an admitted unadjudicated offense the following count, case or complaint: **NONE**.

The Court finds that this sentence shall run concurrent with: **COUNT 1**.

The Court finds that the Defendant shall be credited with **261 DAYS** on his sentence for time spent in jail in this cause.

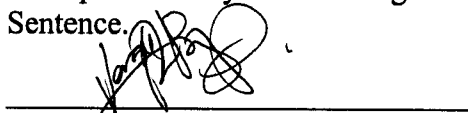
The Court finds the Defendant owes **NONE** for the Fine, **NONE** in restitution, **NONE** in court costs. The Defendant shall make restitution, if any, within five (5) years after the end of the term of imprisonment imposed.

Signed on the 3 day of April, 2007.

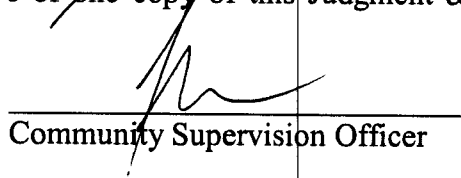


Judge Presiding

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



Defendant
sg


Community Supervision Officer

Defendant's right thumbprint

