

THE STATE OF TEXAS
VS.

HECTOR GARCIA
A/K/A HECTOR TORRES GARCIA
A/K/A TETO

NO. CR-1522-89-G

IN THE 370TH DISTRICT
COURT OF
HIDALGO COUNTY, TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY JURY --- TDC

Judge Presiding: MENTON MURRAY, JR.

Date of Judgment: JULY 25, 1990

Attorney(s): RENE GUERRA, DIST. ATTY. and
for State : SOFIA ARIZPE and
STEVEN VIDAURRI, ASSISTANTS

Attorney(s) :
for Defendant: CHARLES BANKER
EMILIO RODRIGUEZ

Offense Convicted of: CAPITAL MURDER
Degree : CAPITAL FELONY

Date Offense Committed: AUGUST 25, 1989

Charging Instrument: INDICTMENT

Plea : NOT GUILTY
Jury Verdict: GUILTY

Foreman: GLORIA CANTU

Plea to Enhancement Paragraph(s): N/A

Enhancement Paragraph(s): N/A

Findings on Use of Deadly Weapon :

Punishment Assessed by: JURY

Punishment and Place
of Confinement : DEATH

Date to
Commence: JULY 25, 1990

Time Credited : 248 DAYS

Total Amount of Restitution/
Reparation: \$0.00
Fine: \$0.00
Costs:

Concurrent Unless Otherwise Specified:

The Defendant having been indicted in the above entitled and numbered cause for the felony offense of **CAPITAL MURDER**, and this cause being called on the 10th day of July 1990, for trial, the State appeared by her Criminal District Attorney, **RENE GUERRA**, and Assistant Criminal District Attorney's, **SOFIA ARIZPE** and **STEVEN VIDAURRI**, and the Defendant, **HECTOR TORRES GARCIA A/K/A HECTOR TORRES GARCIA A/K/A TETO**, appeared in person and by counsels, **CHARLES BANKER** and **EMILIO RODRIGUEZ**, and both parties announced ready for trial. Thereupon a jury composed of **GLORIA CANTU** and eleven others was selected, impanelled, and sworn. On the 18th day of July, 1990, and the defendant was arraigned, and in open court pled NOT GUILTY to the charge contained in the indictment and after hearing the indictment read, the Defendant's plea of NOT GUILTY thereto, and the evidence submitted; and after having been charged by the court as to their duty to determine the guilt or innocence of the Defendant; and after hearing the arguments of counsels, they retired in charge of the proper officer and returned into open court on the 24th day of **JULY, 1990**, the following verdict, which was received by the Court and is here entered of record upon the minutes:

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"We, the Jury, find the Defendant, HECTOR GARCIA also known as HECTOR TORRES GARCIA also known as TETO, "GUILTY" of the offense of CAPITAL MURDER as charged in the Indictment.

/S/ GLORIA CANTU
(FOREPERSON'S NAME)"

IT IS THEREFORE CONSIDERED, ORDERED, AND ADJUDGED by the Court that the Defendant is guilty of the offense of CAPITAL MURDER a Capital Felony, as found by the jury, which offense was committed on **AUGUST 25, 1989.**

Therefore, the Defendant requested that the jury assess the punishment, and in accordance with law, after further evidence was heard by them and after having again been charged by the Court, the jury retired in charge of the proper officer and returned into open court on the **25th** day of **JULY, 1990**, the following which was received by the Court and is here entered of record upon the minutes, to-wit:

"ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that the conduct of the defendant, HECTOR GARCIA A/K/A HECTOR TORRES GARCIA A/K/A TETO, that caused the death of EDUARDO RIOS, was committed deliberately and with the reasonable expectation that the death of the deceased or another would result?

Answer "Yes" or "No".

We, the Jury, answer: YES "

"ISSUE NO. 2

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant, HECTOR GARCIA A/K/A HECTOR TORRES GARCIA A/K/A TETO would commit criminal acts of violence that would constitute a continuing threat to society?

Answer "Yes" or "No".

We, the Jury, answer: YES "

CERTIFICATE OF ANSWER

We, the Jury, return in open court the above answers as our answers to the issues submitted to us and the same is our verdict in the case.

/S/ GLORIA CANTU
(FOREPERSON'S NAME)

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It is therefore CONSIDERED, ORDERED, and ADJUDGED by the Court that the defendant, **HECTOR GARCIA A/K/A HECTOR TORRES GARCIA A/K/A TETO**, is **guilty** of the offense of **Capital Murder** as found by the jury, and the jury having further answered that the conduct of the defendant that caused the death of the deceased was committed deliberately and with reasonable expectation that the death of the deceased or another would result, and that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society and the law providing that on such jury finding the Court shall assess the death penalty to the defendant.

It is, therefore, the Order of the Court that the defendant be punished by having the death penalty assessed against him, thereupon the Defendant, **HECTOR GARCIA A/K/A HECTOR TORRES GARCIA A/K/A TETO**, was asked by the Court whether he had anything to say why said sentence should not be pronounced against him and he answered nothing in bar thereof, whereupon the Court proceeded, in the presence of said Defendant, **HECTOR GARCIA A/K/A HECTOR TORRES GARCIA A/K/A TETO**, to pronounce sentence against him as follows:

Whereas, the Defendant has been adjudged to be guilty of capital murder by the jury and the jury having further answered that the conduct of the Defendant that caused the death of the deceased was committed deliberately and with reasonable expectation that the death of the deceased or another would result, and that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society and the law providing that on such jury finding the Court shall sentence the Defendant to death.

It is, therefore, the **ORDER** of the Court that the Defendant is hereby sentenced to **death**; but the law further providing for an automatic appeal to the Court of Criminal Appeals of the State of Texas, the sentence is suspended until the decision of the Court of Criminal Appeals has been received by this Court.

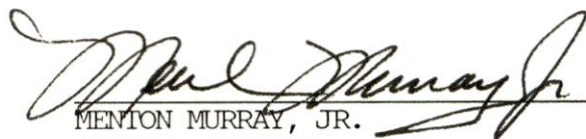
The Defendant is now remanded to the custody of the Sheriff of Hidalgo County, Texas, to be transported to the Texas Department of Criminal Justice, Institutional Division there to await the action of the Court of Criminal Appeals and the further orders of this Court.

Fingerprint from

finger of Defendant:

(ag)




MENTON MURRAY, JR.
JUDGE PRESIDING

Signed on the 8th, day of
JULY, 1990.

Attest

Notice of Appeal: _____

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