

When the Court of Criminal Appeals heard the automatic appeal of this case, it affirmed the conviction and death sentence imposed on Defendant Hector Torres Garcia, a/k/a/ Hector Garcia, a/k/a/ "Teto". See Garcia v. State, 887 S.W.2d 862 (Tex.Crim.App. 1994), cert. denied, 514 U.S. 1021, 115 S.Ct. 1368, 131 L.Ed.2d 223 (1995).

An initial post-conviction application for a writ of habeas corpus on behalf of Defendant Hector Torres Garcia, a/k/a/ Hector Garcia, a/k/a/ "Teto" was filed in this Court on **August 29, 1997**.

Habeas counsel for Defendant Hector Torres Garcia, a/k/a/ Hector Garcia, a/k/a/ "Teto" filed a second and a third application for habeas relief, which were labeled "Supplemental" and "Subsequent", in this Court on **March 31, 2009**.

All three applications were forwarded to the Court of Criminal Appeals, which received them on **September 17, 2012**.

On **June 5, 2013**, the Court of Criminal Appeals issued an order remanding the initial writ to this Court to "resolve the issues raised by any means it deem(ed) appropriate".

This court then held an evidentiary hearing and entered findings of fact and conclusions of law, which had been stipulated to by both parties. In said findings and conclusions, this Court found meritorious Claims V and VI in the initial writ application filed on behalf of Defendant Garcia and recommended that the Court of Criminal Appeals grant Defendant Garcia relief in the form of a new punishment hearing.

On **December 16, 2015**, the Court of Criminal Appeals issued an opinion in which it agreed with this Court's finding that Claim V in the initial application for writ alleged facts that would entitle Defendant Garcia to punishment phase relief; held that Defendant Garcia was entitled to relief in the form of a new punishment hearing; and declined to adopt this Court's findings in regard to Claim VI.

On that same date, said Court also issued another opinion in which it dismissed the writ application which had been labeled "Supplemental" as an abuse of the writ; dismissed Claim VI in the writ application which had been labeled as "Subsequent" as moot in light of its holding in regard to the initial application; and dismissed the remaining claims asserted in the application labeled as "Subsequent" as an abuse of the writ.

This cause being called on the **4th** day of **February, 2016** for re-sentencing pursuant to the ruling of the Court of Criminal Appeals, the State appeared by Criminal District Attorney RICARDO RODRIGUEZ, JR. and Assistant Criminal District Attorney THEODORE C. HAKE and the Defendant Hector Torres Garcia, a/k/a/ Hector Garcia, a/k/a/ "Teto" appeared in person and by counsel CASEY T. GRABENSTEIN and MAURIE LEVIN and both parties announced ready to proceed.

Thereupon, this Court took judicial notice of the content of the court files pertaining to this case and the related state court application for post-conviction habeas relief, including the Agreed Resolution executed by Defendant Hector Torres Garcia, a/k/a/ Hector Garcia, a/k/a/ "Teto", his attorney Maurie Levin, and Assistant Criminal District Attorney Theodore C. Hake on March 24, 2014. In said agreement, the State had agreed not to re-seek a sentence of death upon Court of Criminal Appeals' granting of punishment phase relief and reversal of the death sentence imposed on Defendant Garcia, meaning that an automatic life sentence would be imposed on re-sentencing; Defendant Garcia had agreed, that, in exchange, said life sentence would run consecutive to his Aggravated Robbery conviction and life sentence imposed in cause number CR-1767-89-G and waived any claim that his sentences must run concurrent; and the State further agreed that it would not subject Defendant Garcia to further prosecution

for any charges that have, or could have been, brought against him arising from, or related to events that resulted in his convictions in cause numbers CR-1522-89-G and CR-1767-89-G.

Thereupon, the State having elected, based on this agreement, not to seek the death penalty as allowed under Article 37.071 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 imposed upon the Defendant, and the defendant having answered nothing in bar thereof, the Court proceeded to pronounce sentence upon Defendant.

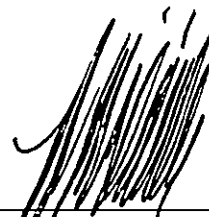
It is therefore ORDERED, ADJUDGED, and DECREED by the Court that the Defendant is guilty of the offense of Capital Murder committed on August 25, 1989, and the punishment is fixed at LIFE imprisonment in the INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE, as defined by the law applicable on the date of the offense, and a fine of **NONE**.

Pursuant to the agreement which was entered into by the Defendant, his attorneys, and the State, this Court further orders that the sentence imposed in this case run consecutively to the sentence imposed on July 25, 1990 in cause number CR-1767-89-G, styled The State of Texas vs. Hector Garcia, a/k/a/ Hector Torres Garcia, in Hidalgo County, Texas.

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.

The Defendant is given credit for time served since his initial confinement on September 6, 1989 and is remanded to jail in the custody of the Sheriff to await further orders of this Court.

Signed on this, the 4th day of February, 2016.



NOE GONZALEZ
Judge Presiding
370th District Court
Hidalgo County, Texas

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

Hector Garcia
Defendant



Al G. Rod
Community Supervision Officer