



THIS CASE IS ON APPEAL

CASE No. F-0689332-W
INCIDENT NO./TRN: 9108441448

THE STATE OF TEXAS

v.

LAVELLE D EVANS

STATE ID No.: TX06114499

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§
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§
§
§

IN THE 363rd JUDICIAL DISTRICT

COURT

DALLAS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY JURY

Form containing judgment details: Judge Presiding (Hon. Tracy Holmes), Date Judgment Entered (8/28/2008), Attorney for State (Marc Moffitt), Attorney for Defendant (Richard Franklin), Offense (CAPITAL MURDER FELON), Charging Instrument (INDICTMENT), Statute for Offense (19.03 Penal Code), Date of Offense (10/8/2006), Degree of Offense (CAPITAL FELONY), Plea to Offense (NOT GUILTY), Verdict of Jury (GUILTY), Findings on Deadly Weapon (N/A), Plea to 1st and 2nd Enhancements (N/A), Findings on 1st and 2nd Enhancements (N/A), Punishment Assessed by (COURT), Date Sentence Imposed (8/28/2008), Date Sentence to Commence (8/28/2008), Punishment and Place of Confinement (LIFE INSTITUTIONAL DIVISION, TDCJ).

THIS SENTENCE SHALL RUN CONCURRENTLY.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A

Fine: \$ N/A, Court Costs: \$ 256, Restitution: \$ N/A, Restitution Payable to: VICTIM (see below) AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62.

The age of the victim at the time of the offense was N/A

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited: From 10/19/2007 to 8/28/2008

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

N/A DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Dallas County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

- Defendant appeared in person with Counsel.
Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

It appeared to the Court that Defendant was mentally competent and had pleaded as shown above to the charging instrument. Both parties announced ready for trial. A jury was selected, impaneled, and sworn. The INDICTMENT was read to the jury, 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.

Punishment Assessed by Jury / Court / No election (select one)

Jury. Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.

Court. Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

No Election. Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

The Court **FINDS** Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court **FINDS** the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

Confinement in State Jail or Institutional Division. The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Dallas County District Clerk Felony Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

County Jail—Confinement / Confinement in Lieu of Payment. The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Dallas County, Texas on the date the sentence is to commence. Defendant shall be confined in the Dallas County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Dallas County District Clerk Felony Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

Fine Only Payment. The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Dallas County District Clerk Felony Collections Department. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

The Court **ORDERS** Defendant's sentence **EXECUTED**.

The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

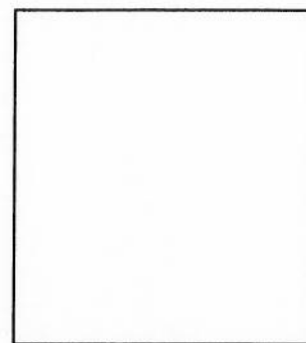
Deadly Weapon.

The jury **FINDS** Defendant used or exhibited a deadly weapon, namely, firearm, 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.**

Signed and entered on August 28, 2008

Tracy Holmes
JUDGE PRESIDING

Defendant accepts and gives Notice of Appeal to the Court of Appeals, Fifth District of Texas at Dallas.



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Clerk: MHURD

CASE NO. F-0689332-W

THE STATE OF TEXAS
VS.
LAVELLE D. EVANS

IN THE JUDICIAL 363rd DISTRICT COURT
OF DALLAS, COUNTY, TEXAS

JULY TERM, A.D. 2008

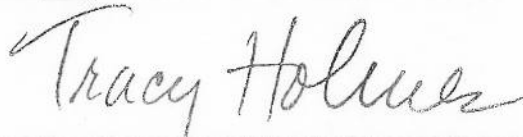
D.O.B. 8/2/1978
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NUNC PRO TUNC

ON THIS THE 17 OF NOVEMBER, 2008 IT APPEARING TO THE COURT
THAT THE JUDGMENT IS INCORRECT.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED BY THE COURT
THAT, THE JUDGMENT BE CORRECTED AND THE SAME IS HEREBY
GRANTED, AND SAID JUDGMENT IN THE ABOVE NUMBERED CAUSE IS
HEREBY AMENDED TO READ THAT FINDING OF A DEADLY WEAPON WAS
FOUND.

FOR ANY FURTHER ORDERS REGARDING JUDGMENT AND SENTENCE
HEREIN; REFER TO VOL. 443 PAGE 113 MINUTES OF SAID COURT.



JUDGE, JUDICIAL 363rd DISTRICT COURT
DALLAS COUNTY, TEXAS

BY 
DEPUTY CLERK

FOR ANY FURTHER ORDERS REGARDING JUDGEMENT AND SENTENCE
HEREIN; REFER TO VOLUME 448 PAGE 97 MINUTES OF SAID COURT.