

THE STATE OF TEXAS

v.

DAROLD O. SIMMONS

STATE ID No.: TX 7235583

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IN THE 137TH DISTRICT
COURT
LUBBOCK COUNTY, TEXAS

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LUBBOCK CO. TEXAS
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2008 MAY 14 AM 11:58

JUDGMENT OF CONVICTION BY JURY

Judge Presiding: **HON. CECIL G PURYEAR** Date Judgment Entered: **MAY 7, 2008**

Attorney for State: **TRAY PAYNE** Attorney for Defendant: **JEFF NICHOLSON**

Offense for which Defendant Convicted: **CAPITAL MURDER**

Charging Instrument: **INDICTMENT** Statute for Offense: **§19.03(a)(2&7)**

Date of Offense: **FEBRUARY 18, 2007**

Degree of Offense: **1ST DEGREE FELONY** Plea to Offense: **NOT GUILTY**

Verdict of Jury: **GUILTY** Findings on Deadly Weapon: **NA**

Plea to 1st Enhancement Paragraph: **NA** Plea to 2nd Enhancement/Habitual Paragraph: **NA**

Findings on 1st Enhancement Paragraph: **NA** Findings on 2nd Enhancement/Habitual Paragraph: **NA**

Punished Assessed by: **JURY** Date Sentence Imposed/to Commence: **05/07/08**

Punishment and Place of Confinement: **CAPITAL LIFE WITHOUT THE POSSIBILITY OF PAROLE TDCJ-ID**

THIS SENTENCE SHALL RUN CONCURRENT .

Sentence OF CONFINEMENT Suspended, Defendant placed on community supervision for.

Fine: \$ Court Costs: \$ **306.00** Restitution: \$ Restitution Payable to: VICTIM (see below) AGENCY/AGENT (see below)

Sex Offender Registration Requirements DOES NOT APPLY to the Defendant. TEX. CODE CRIM. PROC. chapter 62.

The age of the victim at the time of the offense was .

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.
From **2/19/07** to **Present** From _____ to _____ From _____ to _____
Time Credited: From _____ to _____ From _____ to _____ From _____ to _____

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

TOTAL DAYS: _____ NOTES: _____

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 Lubbock 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 **TDCJ-ID**. 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 Lubbock County 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 **Lubbock** County, Texas on the date the sentence is to commence. Defendant shall be confined in the Lubbock County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Lubbock County 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 **Lubbock** County 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:

Court Costs

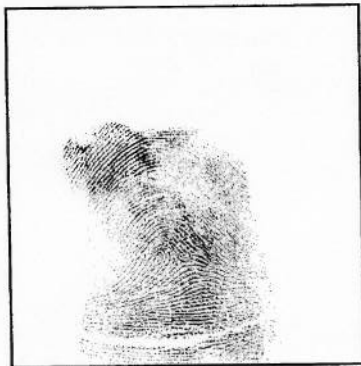
\$ 366⁰⁰

An additional fee of \$25 is due if Court Costs not paid within 31 days of this judgment.

Dismissals: 2007-415,558(F);2007-415,559(F);2007-415,560(F)

Signed and entered on this the 13th day of May, 2008.

x Cecil G. Puryear
CECIL G PURYEAR
JUDGE PRESIDING



Fingerprint from
Left thumb
of Defendant

Fingerprint from
Right thumb
of Defendant

Name: David O. Simmons

Cause No. 2007-415,500

137TH

Date Sentence Imposed: 5-7-08



I, Barbara Sucsy, District Clerk, in and for Lubbock County, Texas, do hereby certify this to be a true and correct copy of a like instrument now on file in this office.

This 9th day of June 2008 J. Cleo Francis Deputy
Clerk of District Court, Lubbock County, Texas pg. 3 of 3