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OFFICE OF COURT ADMINISTRATION

THE STATE OF TEXAS

VS

ROSENDO RODRIGUEZ III

STATE ID No.: TX 6477330

Cause No. 2005-410,654  
TRN: 9126725673

FILED

TIME 9 A.M.

DATE April 10, 2008

IN THE 140TH DISTRICT COURT

OF

LUBBOCK COUNTY, TEXAS

*Jim Bob Darnell*  
JIM BOB DARNELL, JUDGE

JUDGMENT - SENTENCE

Judge Presiding	: Jim Bob Darnell	Date of Judgment: March 28, 2008
Attorney for State	: Matthew D. Powell Tray Payne	Attorney for Defendant: Rick Wardroup Fred Stangl
Offense Convicted of	: Capital Murder	Penal Code §19.03(a)(2) and (7)
Degree	: Capital Felony	Date Offense Committed: September 13, 2005
Charging Instrument	: Indictment	Plea: Not Guilty
Jury Verdict	: Guilty	Foreman: Melissa Howell
Plea to Enhancement Paragraph(s)	: n/a	Findings on Enhancement: n/a
Findings on Use Of Deadly Weapon	: n/a	
Punishment Assessed by	: Jury	
Date Sentence Imposed	: April 10, 2008	Attorney Fee: \$ 73,855.06 Costs: \$ 822.95
Punishment and Place of Confinement	: Death	
Time Credited	: September 16, 2005-present	Total Amount of Restitution: \$
To run Concurrent unless otherwise specified.		

On the 14th day of February, A.D. 2008, this cause was called for trial, and the State appeared by the duly elected Criminal District Attorney, and the defendant appeared in person, in open Court, his counsel also being present;

And the said defendant, ROSENDO RODRIGUEZ III having been duly arraigned in open Court, and having pleaded not guilty to the charge contained in the indictment herein, and the State announced ready and the Defendant by and through his counsel announced ready; thereupon a jury of good and lawful persons, to-wit: Melissa Howell, and eleven (11) others were duly selected, impaneled, and sworn, who, having heard the indictment read and the Defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, retired in charge of the proper officer to consider their verdict, and afterward was brought into open Court by the proper officer, the Defendant and his counsel being present, and in due form of law returned into open Court the following verdict, which was received by the Court, and is here and now entered upon the minutes of the Court, to-wit:

"We, the jury, find from the evidence beyond a reasonable doubt the defendant is guilty of the offense of Capital Murder;

/s/Melissa Howell  
Foreman"

Furthermore, on the 1st day of **April**, A.D. **2008**, a finding of guilty having been returned and punishment being assessed by the same jury as required by law and the evidence having been offered by the State and by the Defendant as is reflected in the record in this cause, and the Court having duly charged the jury, the jury retired in charge of the proper officer to consider their verdict, which was received by the Court and is here now entered upon the minutes of the Court, to-wit:

SPECIAL ISSUE NO. 1

Is there a probability that the defendant, ROSENDO RODRIGUEZ III, would commit criminal acts of violence that would constitute a continuing threat to society?

ANSWER

We, the Jury, unanimously find and determine from the evidence beyond a reasonable doubt that the answer to this Special Issue is "YES."

/s/ Melissa Howell  
Foreman

SPECIAL ISSUE NO. 2

Taking into consideration all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant, is there sufficient mitigating circumstance to warrant that a sentence of life imprisonment rather than death be imposed?

We, the Jury, unanimously find and determine from the evidence beyond a reasonable doubt that the answer to this Special Issue is "NO."

/s/ Melissa Howell  
Foreman

VERDICT

We, the Jury, return in open Court the above answers or lack thereof as our answers to the Special Issues submitted to us, and the same is our verdict in this case.

/s/ Melissa Howell  
Foreman

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court that the Defendant, ROSENDO RODRIGUEZ III, is guilty of the offense of **Capital Murder**, a Capital Felony committed on September 14, 2005, as found by the jury, and the jury having further answered that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; and that there is not sufficient mitigating circumstances to warrant that a sentence of life imprisonment rather than death be imposed; and the law providing that on such findings the Court shall assess the death penalty to the defendant;

It appearing to the Court that all other matters following the entry of such Judgment have been regularly disposed of; whereupon the Court in the presence of the said Defendant, ROSENDO RODRIGUEZ III and his counsel, pronounced sentence against the defendant as follows:

The Defendant has been adjudged to be guilty of **Capital Murder**, a Capital Felony committed on September 13, 2005, as found by the jury, and the jury having further answered that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; and that there is not sufficient mitigating circumstances to warrant that a sentence of life imprisonment rather than death be imposed; and the law providing that on such findings the Court shall assess the death penalty to the defendant;

IT IS, THEREFORE, THE ORDER of the Court that the Defendant is 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 Court further finds that based upon the facts and reasons as found and stated by the Court in the record in this cause, to which record and statement of facts and reasons made by the Court reference is here made, this Court finds by each standard, to-wit: by a preponderance of the evidence by clear and convincing proof, and beyond a reasonable doubt that the Defendant, ROSENDO RODRIGUEZ III is now and has been at all times material here to be competent to stand trial, in that he has sufficient present ability to consult with his attorney(s) with a reasonable degree of rational understanding and did have a rational as well as factual understanding of the proceedings against him at all times material to this trial.

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

SIGNED AND ENTERED this the 10 day of April, A.D. 2008.

  
Judge Presiding





Fingerprint from  
Left thumb  
of Defendant

Fingerprint from  
Right thumb  
of Defendant

**ROSENDO RODRIGUEZ III**

Cause No. **2005-410,654**

Date Sentence Imposed: 4-10-08

**140TH**

**RECEIPT OF DEFENDANT**

I, the undersigned Defendant in the above described cause, on this day received from the clerk of this Court a copy of the above Order

SIGNED this the 10 day of April, A.D. 2008

  
Defendant