

No. CR05-337

STATE OF TEXAS § IN THE DISTRICT COURT,
v. § RUSK COUNTY, TEXAS
DARNELL HARTSFIELD § 4TH JUDICIAL DISTRICT

Judgment & Sentence

[Verdict by Jury, Punishment Assessed by Court-capital life-automatic life sentence]

Judge Presiding: J. Clay Gossett

Date of Judgment: October 3, 2008

Attorney
for State: Lisa Tanner &
Micheal E. Jimerson

Attorney
for Defendant: Donald F. Killingsworth &
Thad Davidson

Offense Convicted of: Capital Murder
Degree: Capital Felony (death penalty waived by State) Date Offense Committed: September 23, 1983

Charging Instrument: Indictment Plea: Not Guilty

Terms of Plea Bargain: No plea bargain, defendant pleaded "not guilty"- tried and convicted by Jury

Plea to Enhancement Paragraph(s): NA
Findings on Enhancement Paragraph(s): NA

Findings on Use of Deadly Weapon: Affirmative finding of deadly weapon (firearm) as pleaded in Indictment

Costs: \$ 85.00

Punishment and Place of Confinement: Confinement in the Institutional Division of the Texas Department of Criminal Justice for Life

Date to Commence: September 30, 2008

Date Sentence Imposed: 9-30-08

Total Amount of Restitution/Reparation: \$0.
Restitution Paid to: , ,

Concurrent Unless Otherwise Noted: **CONSECUTIVE** to Life sentence in Cause CR04-363 (aggravated perjury)

Time Credited: 1046 days
(since indictment in this matter)



Right Thumb

[Handwritten Signature]

J. Clay Gossett, Presiding Judge
Date Signed: October 3, 2008

Judgment

This day this cause was called for trial and the state appeared by her special prosecutor, Lisa Tanner and the Rusk County Attorney, Micheal E. Jimerson and the defendant DARNELL HARTSFIELD appeared in person, his counsel, Hon. Donald F. Killingsworth and Hon. Thad Davidson, also being present, and both parties announced ready for trial, and the defendant DARNELL HARTSFIELD in open court pleaded not guilty to the charge contained in the indictment herein; THEREUPON a jury, to wit, Bradford Smith and eleven others, was 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 of their verdict, and afterward were 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 now entered upon the minutes of the court, to wit:

"We, the jury, find the Defendant, DARNELL HARTSFIELD, "Guilty" of the offense of Capital Murder, as charged in the indictment.

Bradford Smith
Foreman of the Jury"

Thereupon the defendant, DARNELL HARTSFIELD, being convicted of capital murder and the State having waived the death penalty, punishment was mandated by law at Life confinement in the Texas Department of Criminal Justice-Institutional Division. Accordingly, the Court assessed DARNELL HARTSFIELD's punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for Life.

It is therefore considered and adjudged by the court that the defendant DARNELL HARTSFIELD is guilty of the offense of Capital Murder, as found by the jury and said defendant committed said offense on September 23, 1983, and that his punishment has been set by confinement in the Institutional Division of the Texas Department of Criminal Justice for Life . IT IS FURTHER ORDERED that the State of Texas do have and recover of and from said defendant all costs incurred in this proceeding, for which let execution issue.

Sentence

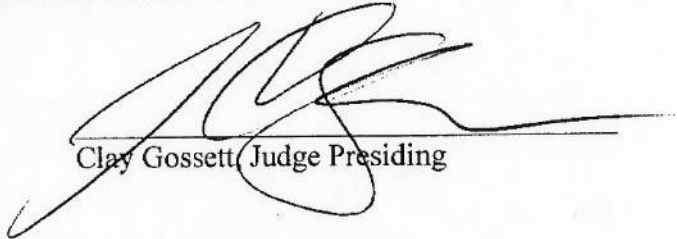
And the defendant being asked by the Court if sufficient reason existed why the sentence of this Court should not be pronounced, failed to give such reason; whereupon the Court proceeded, in the presence of the said defendant and his attorney, to pronounce sentence as follows:

It is the Order of this Court that the said defendant, DARNELL HARTSFIELD, who has been adjudged guilty of the offense of Capital Murder, a capital felony, be, and is hereby sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for Life, and to pay all costs associated with this cause; and that said defendant be taken by the Sheriff of Rusk County, Texas, or an authorized agent of the State of Texas, and by him safely conveyed and delivered to the Institutional Division of the Texas Department of Criminal Justice there to be confined in the manner and for the period aforesaid.

The jury by its verdict made the affirmative finding that the defendant did use or exhibit a deadly weapon (a firearm) to wit: a firearm during the commission of the offense or during immediate flight therefrom.

The defendant is given credit for 1046 days back time from the effective date of this sentence; and the defendant is remanded to jail until the sheriff can obey the directions of this sentence.

Signed this the 3rd day of October, 2008.


Clay Gossett, Judge Presiding

FILED

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JEAN HODGES, DIST. CLK.
- RUSK COUNTY, TEXAS

BY S. Ward - DEPUTY