

SEP 09 2008

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CASE No. 9040606 COUNT 1
INCIDENT No./TRN: 9071717518

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THE STATE OF TEXAS

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§ IN THE 167TH DISTRICT
§
§ COURT
§
§ TRAVIS COUNTY, TEXAS
§
§

ALBERTO GARCIA

STATE ID No.: TX03161556

JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	HON. JON WISSER	Date Judgment Entered:	9/5/2008
Attorney for State:	DARLA DAVIS///BETH PAYAN	Attorney for Defendant:	JON EVANS///BILL WHITE
<u>Offense for which Defendant Convicted:</u> CAPITAL MURDER			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> 19.03 (A)(6) Penal Code	
<u>Date of Offense:</u> 12/15/90 & 12/17/1990			
<u>Degree of Offense:</u> CAPITAL FELONY		<u>Plea to Offense:</u> NOT GUILTY	
<u>Verdict of Jury:</u> GUILTY		<u>Findings on Deadly Weapon:</u> YES, A FIREARM	
<u>Plea to 1st Enhancement Paragraph:</u>	N/A	<u>Plea to 2nd Enhancement/Habitual Paragraph:</u>	N/A
<u>Findings on 1st Enhancement Paragraph:</u>	N/A	<u>Findings on 2nd Enhancement/Habitual Paragraph:</u>	N/A
<u>Punished Assessed by:</u> JURY	<u>Date Sentence Imposed:</u> 9/5/2008	<u>Date Sentence to Commence:</u> 9/5/2008	

Punishment and Place of Confinement:

AND THE SAID DEFENDANT, ALBERTO GARCIA HAVING IN THE 167TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS, IN CRIMINAL CAUSE NUMBER 9040606, BEEN DULY AND LEGALLY CONVICTED OF THE OFFENSE OF CAPITAL MURDER AND HIS PUNISHMENT THEREFOR HAVING BEEN ASSESSED AND ADJUDGED AT CONFINEMENT IN THE PENITENTIARY FOR LIFE, AND HE HAVING ON THE 5TH DAY OF SEPTEMBER, 2008, BY SAID COURT BEEN SENTENCED IN ACCORDANCE WITH SAID CONVICTION, IT IS FURTHER ORDERED AND ADJUDGED THAT THE PUNISHMENT HEREIN ADJUDGED AGAINST THE SAID DEFENDANT, ALBERTO GARCIA SHALL BEGIN WHEN THE JUDGEMENT AND SENTENCE IN SAID FEDERAL CAUSE NUMBER A-00-CR-182(1)JRN SHALL HAVE CEASED TO OPERATE 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: \$ 202.50 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 10/12/2004 to 9/5/2008	From	to	From	to	
	From	to	From	to	From	to



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 _____ 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 TRAVIS COUNTY DISTRICT CLERKS OFFICE, 509 WEST 11TH ST, SUITE 1.400. 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 _____ County, Texas on the date the sentence is to commence. Defendant shall be confined in the County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the _____. 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 _____ County. 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:

AND THE SAID DEFENDANT, ALBERTO GARCIA HAVING IN THE 167TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS, IN CRIMINAL CAUSE NUMBER 9040606, BEEN DULY AND LEGALLY CONVICTED OF THE OFFENSE OF CAPITAL MURDER AND HIS PUNISHMENT THEREFOR HAVING BEEN ASSESSED AND ADJUDGED AT CONFINEMENT IN THE PENITENTIARY FOR LIFE, AND HE HAVING ON THE 5TH DAY OF SEPTEMBER, 2008, BY SAID COURT BEEN SENTENCED IN ACCORDANCE WITH SAID CONVICTION, IT IS FURTHER ORDERED AND ADJUDGED THAT THE PUNISHMENT HEREIN ADJUDGED AGAINST THE SAID DEFENDANT, ALBERTO GARCIA SHALL BEGIN WHEN THE JUDGEMENT AND SENTENCE IN SAID FEDERAL CAUSE NUMBER A-00-CR-182(1)JRN SHALL HAVE CEASED TO OPERATE

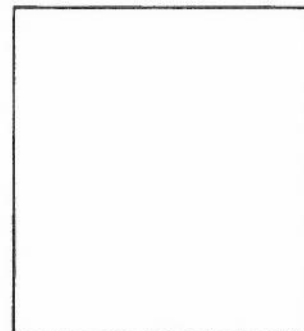
The Court FINDS Defendant used or exhibited a deadly weapon, namely, a firearm, during the commission of a felony offense or during immediate flight there from or was a party to the offense and knew that a deadly weapon would be used or exhibited. TEX. CODE CRIM. PROC. art. 42.12 §3g.r The Court finds that the deadly weapon was a firearm



Signed and entered on September 9, 2008

X *Janet Kiser*

167TH DISTRICT COURT
JUDGE PRESIDING



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Clerk: CG