



*****AMENDED*****



No. 2009CR7940 COUNTY
INCIDENT NO./TRN: 9103681912

THE STATE OF TEXAS § IN THE 399TH DISTRICT
§
VS. § COURT
§
RICARDO L HERNANDEZ § BEXAR COUNTY, TEXAS
§
STATE ID No.: TX6655952 §

JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	HON. LAURA PARKER	Date Judgment Entered:	05-19-2011
Appearances:	ROSE M ZEBELL	Attorney for Defendant:	CHRISTOPHER B WEIXEL
Attorney for State:	WILLIAM HENRY PENNINGTON III		
Offense for which Defendant Convicted: CAPITAL MURDER - OTHER FELONY			
Charging Instrument:	INDICTMENT	Statute for Offense:	19.03 (A) (2) PC
Date of Offense:	04-25-2009	Plea to Offense:	NOT GUILTY
Degree of Offense:	CAPITAL FELONY	Foreperson:	CANDACE KUEBKER
Verdict of Jury:		Verdict of Jury:	(PUNISHMENT)
WE, THE JURY, FIND THE DEFENDANT, RICARDO L. HERNANDEZ, GUILTY OF CAPITAL MURDER AS CHARGED IN THE INDICTMENT.			

Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	
Punished Assessed by:	COURT	Date Sentence Imposed:	05-19-2011
		Date Sentence to Commence:	05-19-2011
Punishment and Place of Confinement:	LIFE TDCJ-ID AND A FINE OF \$ 0.00 IMPRISONMENT (INSTITUTIONAL DIVISION):		

THIS SENTENCE SHALL RUN CONCURRENTLY UNLESS OTHERWISE SPECIFIED.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A			
Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$ 0.00	\$ 950.00PLUS ATTY FEES	\$ 0.00	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> 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

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.						
Time Credited:	From:	To:	From:	To:	From:	To:
	From:	To:	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.						
NOTES: NA						

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 Bexar 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.

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 Bexar County District Clerk. 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.

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.

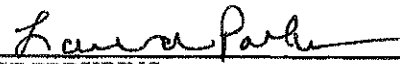
The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

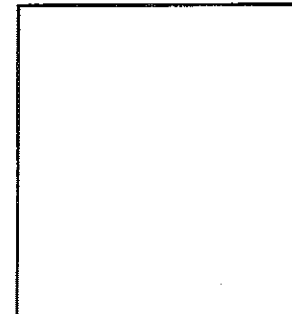
N/A

Signed and entered on this _____ day of JAN 20 2012 20 _____

Notice of Appeal: NOTICE GIVEN.



JUDGE PRESIDING
LAURA PARKER
SITTING FOR THE 399TH DISTRICT
COURT, BEXAR COUNTY, TEXAS



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Clerk 00710



DC2009CR7940

NO. 2009-CR-7940

THE STATE OF TEXAS

§

IN THE DISTRICT COURT

VS.

§

399TH JUDICIAL DISTRICT

RICARDO L HERNANDEZ

§

BEXAR COUNTY, TEXAS


VERDICT FORM

We, the Jury, find the defendant, Ricardo L Hernandez, not guilty.

PRESIDING JUROR

VERDICT FORM

We, the Jury, find the defendant, Ricardo L Hernandez, guilty of capital murder as charged in the indictment.


PRESIDING JUROR

VERDICT FORM

We, the Jury, find the defendant, Ricardo L Hernandez, guilty of the lesser included offense of burglary of a habitation.

PRESIDING JUROR