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appeared in person, his counsel by appointment, the Hon. Nat Perez and Ed Stapleton, also being present, and the Defendant, having been duly arraigned, pleaded Not Guilty by reason of insanity and both parties announced ready for trial; thereupon a jury of good and lawful persons, was selected through individual voir dire from the period of June 1, 2010, through June 18, 2010, to wit: Presiding Juror Perez and thirteen others, including two alternate jurors, was duly selected, whereupon said cause was recessed until June 21, 2010, for status hearing.

THEREAFTER, on July 12, 2010, the jury was seated, empaneled and sworn according to the law and charged by the Court on separation; the indictment was read to the jury and the Defendant entered his plea of Not Guilty by reason of insanity thereto whereupon the State introduced evidence. The testimony continued through July 19, 2010, and State rested. Defendant's motion for directed verdict was denied. Defendant introduced evidence through July 21, 2010, and rested. State offered rebuttal evidence and continued through July 23, 2010 and rested. All parties closed, whereupon said cause was recessed until July 26, 2010.

THEREAFTER on July 26, 2010, the charge was prepared and submitted to all counsel. The Court charged the jury as to the law applicable to said cause and argument of counsel for the State and the Defendant was duly heard and concluded, and the jury 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 now entered upon the Minutes of the Court, to wit:

“We, the Jury, find the defendant, John Allen Rubio, “Guilty” of Capital Murder as charged in Count I (Julissa A. Quesada) of the indictment.

/s/ Presiding Juror Perez

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Presiding Juror

“We, the Jury, find the defendant, John Allen Rubio, “Guilty” of Capital Murder as charged in Count II (Mary J. Rubio) of the indictment.

/s/ Presiding Juror Perez
Presiding Juror

“We, the Jury, find the defendant, John Allen Rubio, “Guilty” of Capital Murder as charged in Count III (John E. Rubio) of the indictment.

/s/ Presiding Juror Perez
Presiding Juror

“We, the Jury, find the defendant, John Allen Rubio, “Guilty” of Capital Murder as charged in Count IV of the indictment.

/s/ Presiding Juror Perez
Presiding Juror

THEREAFTER, defense counsel requested that the jury be polled. The jury was then polled and the unanimous verdict was received by the Court and is here now entered upon the Minutes of the Court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant is guilty of the offense of CAPITAL MURDER - Counts I, II, III and IV, as found by the jury, and that said offense was committed on March 11, 2003.

THEREAFTER, all parties announced ready for further hearing, the cause proceeded on the punishment phase, and the Defendant, having previously elected in writing to have his punishment assessed by the same Jury, the same jury was duly empaneled to assess said Defendant’s punishment in said cause; State introduced evidence and continued through July 28,

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2010, and rested. Defendant introduced evidence and rested. Both sides closed; whereupon said cause was recessed until July 29, 2010.

THEREAFTER, On July 29, 2010, the Court charged the jury with additional instructions as to the law applicable to punishment of said cause and arguments of State and Defendant were duly heard and concluded and the jury retired in charge of the proper officer to consider their verdict as to Defendant's punishment, and thereafter returned into open court, accompanied by the proper officer, the Defendant and his counsel being present, and in due form of law, the following verdict, which was received by the Court is here now entered upon the Minutes of the Court, to wit:

VERDICT FORM – COUNT I

SPECIAL ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your verdict, you will answer "Yes" or "No".

Answer: We, the Jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue No. 1 is "Yes."

/s/ Presiding Juror Perez
Presiding Juror

VERDICT FORM – COUNT I (CONTINUING)

SPECIAL ISSUE NO. 2

Do you find from the evidence beyond a reasonable doubt that the Defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken?

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In your verdict, you will answer "Yes" or "No."

Answer: We, the Jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue No. 2 is "Yes."

/s/ Presiding Juror Perez
Presiding Juror"

VERDICT FORM – COUNT I (CONTINUING)

If your answers to Special Issues Number 1 and Number 2 are both "Yes", then you will answer Special Issue No. 3; otherwise, you will not answer Special Issue No. 3

SPECIAL ISSUE NO. 3

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, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

In your verdict, you will answer "Yes" or "No".

Answer: We, the jury, unanimously find that the answer to Special Issue No. 3 is "No."

/s/ Presiding Juror Perez
Presiding Juror

VERDICT FORM – COUNT II

SPECIAL ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your verdict, you will answer "Yes" or "No".

Answer: We, the Jury, unanimously find from the evidence beyond a reasonable doubt that the answer to

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Special Issue No. 1 is "Yes."

/s/ Presiding Juror Perez
Presiding Juror

VERDICT FORM – COUNT II (CONTINUING)

SPECIAL ISSUE NO. 2

Do you find from the evidence beyond a reasonable doubt that the Defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken?

In your verdict, you will answer "Yes" or "No."

Answer: We, the Jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue No. 2 is "Yes."

/s/ Presiding Juror Perez
Presiding Juror"

VERDICT FORM – COUNT II (CONTINUING)

If your answers to Special Issues Number 1 and Number 2 are both "Yes", then you will answer Special Issue No. 3; otherwise, you will not answer Special Issue No. 3

SPECIAL ISSUE NO. 3

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, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

In your verdict, you will answer "Yes" or "No".

Answer: We, the jury, unanimously find that the answer to Special Issue No. 3 is "No."

/s/ Presiding Juror Perez
Presiding Juror

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VERDICT FORM – COUNT III

SPECIAL ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your verdict, you will answer “Yes” or “No”.

Answer: We, the Jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue No. 1 is “Yes.”

/s/ Presiding Juror Perez
Presiding Juror

VERDICT FORM – COUNT III (CONTINUING)

SPECIAL ISSUE NO. 2

Do you find from the evidence beyond a reasonable doubt that the Defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken?

In your verdict, you will answer “Yes” or “No.”

Answer: We, the Jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue No. 2 is “Yes.”

/s/ Presiding Juror Perez
Presiding Juror”

VERDICT FORM – COUNT III (CONTINUING)

If your answers to Special Issues Number 1 and Number 2 are both “Yes”, then you will answer Special Issue No. 3; otherwise, you will not answer Special Issue No. 3

SPECIAL ISSUE NO. 3

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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, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

In your verdict, you will answer "Yes" or "No".

Answer: We, the jury, unanimously find that the answer to Special Issue No. 3 is "No."

/s/ Presiding Juror Perez
Presiding Juror

VERDICT FORM – COUNT IV

SPECIAL ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your verdict, you will answer "Yes" or "No".

Answer: We, the Jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue No. 1 is "Yes."

/s/ Presiding Juror Perez
Presiding Juror

VERDICT FORM – COUNT IV (CONTINUING)

SPECIAL ISSUE NO. 2

Do you find from the evidence beyond a reasonable doubt that the Defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken?

In your verdict, you will answer "Yes" or "No."

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Answer: We, the Jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue No. 2 is "Yes."

/s/ Presiding Juror Perez
Presiding Juror"

VERDICT FORM – COUNT IV (CONTINUING)

If your answers to Special Issues Number 1 and Number 2 are both "Yes", then you will answer Special Issue No. 3; otherwise, you will not answer Special Issue No. 3

SPECIAL ISSUE NO. 3

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, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

In your verdict, you will answer "Yes" or "No".

Answer: We, the jury, unanimously find that the answer to Special Issue No. 3 is "No."

/s/ Presiding Juror Perez
Presiding Juror

We, the jury, return in open Court the above answers to the Special Issues submitted to us and the same is our verdict in this case.

/s/ Presiding Juror Perez
Presiding Juror"

THEREAFTER, defense counsel requested that the jury be polled. The jury was then polled and the unanimous verdict was received by the Court and is here now entered upon the Minutes of the Court. The jury was then discharged.

IT IS, THEREFORE, CONSIDERED AND ADJUDGED by the Court that the Defendant, John Allen Rubio, is guilty of the offense of Capital Murder - Counts I, II, III and IV,

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as found by the jury, and that he be punished, in accordance with the Special Issues answered by the Jury, and sentenced to DEATH on Counts I, II and III and the State of Texas do have and recover of and from said Defendant all costs in this prosecution, for which execution may issue.

And thereupon the Court asked the Defendant whether the Defendant had anything to say why said sentence should not be pronounced upon said Defendant, and the Defendant answered nothing in bar thereof. Whereupon the Court proceeded, in the presence of said Defendant and the Defendant's attorney, to pronounce sentence upon said Defendant as follows:

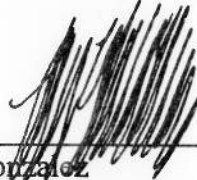
IT IS ORDERED by the Court that the Defendant, who has been adjudged guilty of the offense of CAPITAL MURDER - Counts I, II, III and IV, as found by the jury, be and is hereby sentenced to DEATH on Counts I, II and III. The Defendant shall be taken by the authorized agent of the State of Texas or by the Sheriff of Cameron County, Texas, and by him safely conveyed and delivered to the Director of the institutional division of the Texas Department of Criminal Justice, and the said John Allen Rubio shall be confined in said Texas Department of Criminal Justice, Institutional Division, until said death sentence can be carried out, in accordance with the provisions of the law governing the penitentiaries and the Texas Department of Criminal Justice, Institutional Division. The Defendant is hereby remanded to the custody of the Sheriff, until such time as the Sheriff can obey the directions of this sentence.

IT IS FURTHER ORDERED by the Court that Defendant's left or right thumb be fingerprinted, and that said thumbprint be marked as Exhibit "A" and is made a part hereof for all purposes.

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Said Defendant is given credit on this sentence for two-thousand-three hundred-thirty-one (2331) days on account of the time spent in jail.

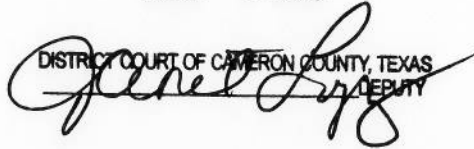
SIGNED FOR ENTRY: August 02, 2010.



Noe Gonzalez
Judge Presiding

FILED 12:00 O'CLOCK P M
AURORA DE LA GARZA, CLERK

AUG - 2 2010

DISTRICT COURT OF CAMERON COUNTY, TEXAS

DEPUTY



A TRUE COPY I CERTIFY
AURORA DE LA GARZA, CLERK
DISTRICT COURT CAMERON COUNTY, TEXAS
DATE 8/2/10
BY 
DEPUTY