



CASE NO. 1292745D COUNT ONE
 INCIDENT NO./TRN: 9133513880

THE STATE OF TEXAS

IN THE CRIMINAL DISTRICT COURT
 NUMBER FOUR

v.

SAMUEL HELI VELEZ

TARRANT COUNTY, TEXAS

STATE ID No.: TX06302278

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JUDGMENT OF CONVICTION BY JURY

Judge Presiding: **HON. MICHAEL THOMAS** Date Judgment Entered: **4/10/2014**

Attorney for State: **JOE SHANNON, JR.
G BROCK GROOM
MARK THIELMAN** Attorney for Defendant: **JOETTA KEENE**

Offense for which Defendant Convicted:
CAPITAL MURDER

Charging Instrument: **Indictment** Statute for Offense: **19.03(A)(2) PC**

Date of Offense:
8/6/2012

Degree of Offense: **CAPITAL FELONY** Plea to Offense: **NOT GUILTY**

Verdict of Jury: **Guilty** Findings on Deadly Weapon: **Yes, a knife**

Plea to 1st Enhancement Paragraph: **N/A** Plea to 2nd Enhancement/Habitual Paragraph: **N/A**

Findings on 1st Enhancement Paragraph: **N/A** Findings on 2nd Enhancement/Habitual Paragraph: **N/A**

Punishment Assessed by: **Court** Date Sentence Imposed: **4/10/2014** Date Sentence to Commence: **4/10/2014**

Punishment and Place of Confinement: **LIFE Institutional Division, TDCJ without Parole**

THIS SENTENCE SHALL RUN N/A.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A.

Fine: **N/A** Court Costs: **\$299.00** Restitution: **N/A** Restitution Payable to: VICTIM (see below) AGENCY/AGENT (see below)

Attachment A, Order to Withdraw Funds, is incorporated into this judgment and made a part thereof.

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: 8/7/2012 To: 4/10/2014**

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 TARRANT 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)

- N/A. Defendant entered a plea and filed a written election to have the jury assess punishment. The State waived the death penalty. The Defendant was found guilty of capital murder. The Court therefore assessed punishment as required by law at life without parole.
- 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 Tarrant 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.
- 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:

NOTICE OF APPEAL FILED: 4/10/2014

Signed and entered on 4/11/2014

X Mike Thomas

JUDGE PRESIDING

CASE NO. 1292745 COUNT me
INCIDENT NO./TRN: 9133513880

THE STATE OF TEXAS

v.

SAMUEL HELI VELEZ

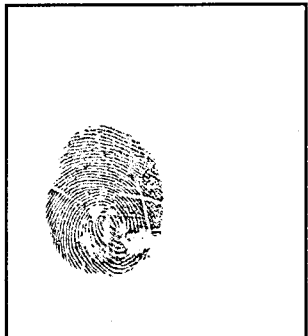
STATE ID No.: TX06302278

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IN THE CRIMINAL DISTRICT COURT
NUMBER FOUR

TARRANT COUNTY, TEXAS

Date: APR 10 2014



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X Chance Padilla # 72171
PERSON TAKING PRINT

JUDGMENT AND SENTENCE
FINGERPRINT PAGE

Clerk

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THE STATE OF TEXAS

v.

SAMUEL HELI VELEZ

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IN THE CRIMINAL DISTRICT COURT
NUMBER FOUR

TARRANT COUNTY, TEXAS

ATTACHMENT A
ORDER TO WITHDRAW FUNDS

TO: INMATE TRUST ACCOUNT, TEXAS DEPARTMENT OF CRIMINAL JUSTICE
COPY TO: SAMUEL HELI VELEZ SID #: TX06302278

GREETINGS:

THE ABOVE named Texas Department of Criminal Justice offender has of this date been assessed court costs, fees and/or fines and/or restitution in the **IN THE CRIMINAL DISTRICT COURT NUMBER FOUR TARRANT** County, Texas, in the above entitled cause in accordance with the sentence imposed as reflected in the judgment to which this Order is attached. The Court finds that the offender is unable to pay the court costs, fees and/or fines and/or restitution on this date and that the funds should be withdrawn from the offender's Inmate Trust Account. Court costs, fees and/or fines and/or restitution have been incurred in the amount of **\$299.00**.

THE COURT ORDERS that payment be made out of the offender's Inmate Trust Account as follows:
Pay an initial amount equal to the lesser of:

- (1) 15% of the account balance up to and including \$100, plus 25% of any portion of the account balance that is between \$100.01 and \$500 inclusive, plus 50% of any portion of the account balance that is more than \$500; or
- (2) The total amount of court costs, fees and/or fines and/or restitution that remains unpaid.

After the payment of the initial amount, the offender shall pay an amount equal to the lesser of:

- (1) 10% of each deposit in the offender's Inmate Trust Account; or
- (2) The total amount of court costs, fees and/or fines and/or restitution that remains unpaid.

Payments are to continue until the total amount of the court costs, fees and/or fines and/or restitution are paid, or the offender is released from confinement.

On receipt of a copy of this Judgment, the department (Inmate Trust Account) shall withdraw money from the trust account of the offender, hold same in a separate account, and shall forward said money to the TARRANT County District Clerk, 401 W BELKNAP, FT.WORTH, TX. 76196 on the earlier of the following dates:

- (1) Monthly
- (2) The date the total amount to be forwarded equals the total amount which remains unpaid; or
- (3) The date the offender is released.

THIS ORDER is entered and incorporated into the Judgment and Sentence of this Court and pursuant to Government Code, Section 501.014, on this 11 day of APRIL, 2014.

BILL OF COST

CAUSE NO. 1292745D

THE STATE OF TEXAS

v.

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**IN THE CRIMINAL DISTRICT COURT
NUMBER FOUR**

TARRANT COUNTY, TEXAS

The total cost assessed in this case for court costs, fees and/or fines:

COURT COST BREAKDOWN

Clerk Fees	\$40.00	Court Cost	\$299.00
DC Rec Pre&Auto	\$2.50	Attorney's Fees	\$0.00
DC Recs Tech	\$4.00	Fines	\$0.00
Security Fees	\$5.00	Reparation (Probation Fees)	\$0.00
Crim. Records	\$22.50		
Jury Fees	\$20.00		
Jury Service FD	\$4.00		
PO Arrest Fee	\$50.00		
PO Commit/Rel	\$5.00		
Ind DefenseFund	\$2.00		
Jud Support-CRM	\$6.00		
E-File Crim	\$5.00		
CCC-Felony	\$133.00		
Total Court Cost Breakdown:	\$299.00	Total Cost Owed	\$299.00

DISTRICT COURT OF TARRANT COUNTY, TEXAS

I hereby certify that the foregoing is a correct account of the **Court Costs, Fees and/or Fines** adjudged against the **Defendant** in the above entitled and numbered cause, up to 4/10/2014

Deputy, *Brittany A. Bobbitt*
Thomas A. Wilder, District Clerk
Tarrant County, Texas



APR 10 2014

CAUSE NO. 1292745D

TIME 12:31
BY [Signature] DISTRICT CLERK DEPUTY

THE STATE OF TEXAS

) (IN CRIMINAL DISTRICT COURT

VS.

) (NUMBER FOUR OF

SAMUEL HELI VELEZ

) (TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

The Defendant, SAMUEL HELI VELEZ, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 6th day of August 2012, in Tarrant County, Texas. To this charge, the Defendant has pleaded not guilty.

Our law provides that a person commits the offense of felony murder if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

Our law provides that a person commits the offense of murder when he intentionally or knowingly causes the death of an individual

A person commits capital murder when such person intentionally commits the murder in the course of committing or attempting to commit the offense of burglary of a habitation.

A person commits the offense of burglary of a habitation if, without the effective consent of the owner, he enters a habitation with the intent to commit a felony, theft, or an assault; or he enters a habitation and commits or attempts to commit a felony, theft, or

an assault; or he remains concealed in a habitation with intent to commit a felony, theft, or an assault.

“Enter,” as used above, is meant to intrude any part of the body or any physical object connected with the body into the building or habitation.

“Habitation” means a structure or vehicle that is adapted for the overnight accommodation of persons, and includes each separately secured or occupied portion of the structure or vehicle and each structure appurtenant to or connected with the structure or vehicle.

"Attempt" to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends, but fails, to effect the commission of the offense intended.

A person commits an assault if the person intentionally or knowingly causes bodily injury to another, including the person's spouse.

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

"Serious bodily injury" means bodily injury which creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"Theft" as used herein is the unlawful appropriation of property, with the intent to deprive the owner of said property.

"Appropriation" and "appropriate," as those terms are used herein, mean to acquire or otherwise exercise control over property other than real property.

Appropriation of property is unlawful if it is without the owner's effective consent.

"Property" as used herein, means tangible or intangible personal property or documents, including money, that represents or embodies anything of value.

"Deprive" as used herein means to withhold property from the owner permanently.

"Effective consent" means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion or force or threats.

"Owner" means a person who has title to the property, possession of the property, or a greater right to possession of the property than the person charged.

"Possession" means actual care, custody, control or management of property.

A person acts intentionally, or with intent, with respect to a result of his conduct when it is his conscious objective or desire to cause the result.

A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

A person is criminally responsible for causing a result if the only difference between what actually occurred and what he desired, contemplated, or risked is that a different offense was committed or a different person or property was injured, harmed, or otherwise affected.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 6th day of August, 2012, in Tarrant County, Texas, SAMUEL HELI VELEZ, did

then and there intentionally cause the death of an individual, Ana Gomez, by stabbing her with a knife or by cutting her with a knife, and the said Defendant was then and there in the course of committing or attempting to commit the offense of burglary of a habitation against Ana Gomez, who was the owner of said habitation, then you will find the Defendant guilty of Capital Murder as charged in the indictment.

Unless you so find and believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are unable to agree, you will next consider whether the Defendant is guilty of the lesser-included offense of felony murder.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 6th day of August, 2012, in Tarrant County, Texas, SAMUEL HELI VELEZ, did then and there commit or attempt to commit burglary of a habitation and in the course of and in furtherance of the commission, or in immediate flight from the commission of said felony, he committed or attempted to commit an act clearly dangerous to human life that caused the death of an individual, Ana Gomez, by stabbing her with a knife or by cutting her with a knife, then you will find the Defendant guilty of the offense of felony murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant and say by your verdict "Not Guilty".

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded a defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him. In this case, the defendant has elected not to testify, and you are instructed that you cannot and must not refer or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

A grand jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the issue of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

All persons are presumed to be innocent, and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his trial. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all of the evidence in the case.

The prosecution has the burden of proving the defendant guilty, and it must do so by proving each and every element of the offense charged beyond a reasonable doubt, and, if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.


You are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony, but the law you must be governed by you shall receive in these written instructions.

After you retire to the jury room, you should select one of your members as your Presiding Juror. It is his or her duty to preside at your deliberations, vote with you, and,

when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto, and signing the same as Presiding Juror.

No one has any authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

After you have retired, you may communicate with this court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the court, or anyone else concerning any question you may have. After you have reached a unanimous verdict, the Presiding Juror will certify thereto by filling in the appropriate form attached to this charge and signing his or her name as Presiding Juror. You may now retire to consider your verdict.



MIKE THOMAS, PRESIDING JUDGE

VERDICT FORMS

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

APR 10 2014

TIME BY 4:58 DEPUTY

We, the Jury, find the Defendant, SAMUEL HELI VELEZ, guilty of
the offense of Capital Murder as charged in the indictment.

Lorrie Martiny
PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, SAMUEL HELI VELEZ, guilty of
the lesser-included offense of felony murder as charged in the indictment.

PRESIDING JUROR

-OR-

We, the Jury, find the Defendant Not Guilty.

PRESIDING JUROR