

CASE No. 2010429455  
INCIDENT No./TRN: 9127104915

THE STATE OF TEXAS

IN THE 137<sup>TH</sup> DISTRICT

v.

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COURT

RUBEN GARCIA

LUBBOCK COUNTY, TEXAS

STATE ID No.: TX 5630239

**JUDGMENT ON CONVICTION BY JURY-SENTENCED BY JUDGE**

Judge Presiding: **HON. JOHN J. McCLENDON III** Date Judgment Entered: **3-5-12**

Attorney for State: **SUNSHINE STANEK & JACOB MITCHELL** Attorney for Defendant: **WILLIAM BOYLES**

Offense for which Defendant Convicted: **CAPITAL MURDER MULTIPLE**

Charging Instrument: **INDICTMENT** Statute for Offense: **§ 19.03(A)(7)(a)**

Date of Offense: **10/01/2009**

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

Verdict of Jury: **GUILTY** Findings on Deadly Weapon: **NA**

Plea to 1<sup>st</sup> Enhancement Paragraph: **NA** Plea to 2<sup>nd</sup> Enhancement/Habitual Paragraph: **NA**

Findings on 1<sup>st</sup> Enhancement Paragraph: **NA** Findings on 2<sup>nd</sup> Enhancement/Habitual Paragraph: **NA**

Punished Assessed by: **COURT** Date Sentence Imposed/to Commence: **03/05/2012**

Punishment and Place of Confinement: **CAPITAL LIFE TDCJ-ID/LIFE WITHOUT PAROLE**

**THIS SENTENCE SHALL RUN CONCURRENT .**

Sentence OF CONFINEMENT Suspended, Defendant placed on community supervision for.

Fine: \$ **0** Court Costs: \$ **18,222.00** Restitution: \$ **0** 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  Apply  Does Not Apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62.

The age of the victim at the time of the offense was **NA**. The requirements set out in this judgment in no way alter previous registration requirements for this Defendant. If any.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited: From **10-1-09** to **Present** From \_\_\_\_\_ to \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_

If Defendant is to serve sentence in jail or is given credit toward fine and costs, enter days credited below.

TOTAL DAYS: \_\_\_\_\_ NOTES: \_\_\_\_\_

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 Lubbock 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.

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LUBBOCK COUNTY  
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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 TDCJ-ID. 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 Lubbock County Judicial Compliance Department. 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 Lubbock County, Texas on the date the sentence is to commence. Defendant shall be confined in the Lubbock County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the Lubbock County Judicial Compliance Department. 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 Lubbock County Judicial Compliance Department. 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:**

Court Costs

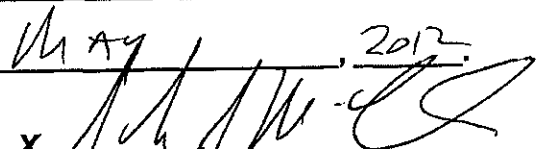
\$ 525<sup>00</sup>

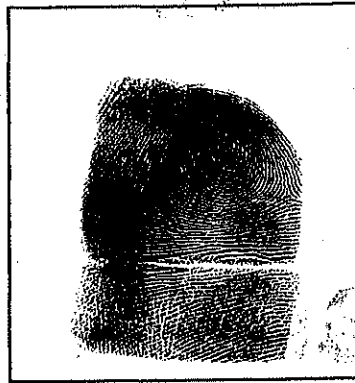
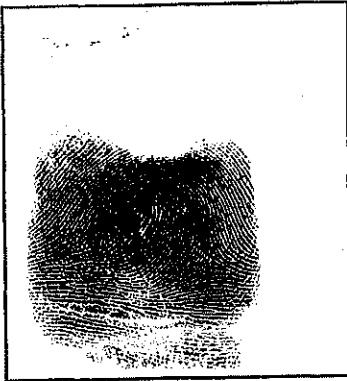
Attorney Fee

\$ 17,677.50

An additional fee of \$25 is due if Court Costs not paid within 31 days of this judgment.

The Defendant shall submit a blood sample or other specimen, such as a Buccal swab, within one week of sentencing, to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record.

Signed and entered on this the 22 day of May, 2012.  
  
X \_\_\_\_\_  
JOHN J. McCLENDON III  
JUDGE PRESIDING



Fingerprint from  
Left thumb  
of Defendant

Fingerprint from  
Right thumb  
of Defendant

Name: ROBEN GARCIA

Cause No. 2010-429455

137 District Court

Date Sentence Imposed: 3/5/12

**RECEIPT OF DEFENDANT**

I, the undersigned Defendant in the above described cause, on this day received from the clerk of this Court a copy of the above Order

SIGNED this the 5<sup>TH</sup> day of MARCH, A.D. 2012.

Roben P. Garcia  
Defendant