

Case No. CR-2613-18-A (COUNT THREE)

TRN 9279265822 A002

AT 9:11 O'CLOCK 11 M

THE STATE OF TEXAS

v.

GABRIEL KEITH

ESCALANTE,

DEFENDANT

SID: TX -05954322

§ IN THE 92<sup>ND</sup> DISTRICT COURT

§ OF

§ HIDALGO COUNTY, TEXAS

By LAURA H. MOJOSA Deputy#1

JUDGMENT OF CONVICTION BY JURY  
& SENTENCE TO THE INSTITUTIONAL DIVISION OF  
THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

DATE OF JUDGMENT: JUNE 06, 2022  
JUDGE PRESIDING: LUIS SINGLETERRY  
COURT REPORTER: IDALIA RAMIREZ  
ATTORNEY FOR THE STATE: ANDREW ALMAGUER, REUBEN  
DELGADO, & JACOB SALINAS  
ATTORNEY FOR THE DEFENDANT: OSCAR RENE FLORES & HECTOR  
HERNANDEZ  
OFFENSE CODE: 48040003  
OFFENSE: TAMPER/FABRICATE PHYS EVID  
W/INTENT TO IMPAIR  
DATE OF OFFENSE: APRIL 23, 2018  
DEGREE OF OFFENSE: 3RD DEGREE FELONY  
STATUTE FOR OFFENSE: 37.09(C)  
APPLICABLE PUNISHMENT RANGE: 2-10 YEARS IN PRISON/ MAX \$10,000.00  
(Including enhancements if any): FINE  
CHARGING INSTRUMENT: INDICTMENT  
PLEA TO OFFENSE: NOT GUILTY  
JURY VERDICT FOR OFFENSE: GUILTY  
PUNISHMENT IMPOSED BY COURT: 10 YEARS IMPRISONMENT  
PLACE OF IMPRISONMENT INSTITUTIONAL DIVISION OF THE  
TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE  
FINE: NONE  
RESTITUTION: NONE  
CREDIT FOR TIME SPENT IN JAIL: 1,496  
DISMISS: NONE  
CONSIDER: NONE  
PLEA TO ENHANCEMENT NONE  
PARAGRAPH(S):  
FINDING TO ENHANCEMENT: NONE  
FINDING ON DEADLY WEAPON: NONE  
COURT COSTS: NONE  
DATE SENTENCE IMPOSED: JUNE 06, 2022

On **MAY 19, 2022**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **ANDREW ALMAGUER, REUBEN DELGADO, & JACOB SALINAS**, and the Defendant and the Defendant's attorney, **OSCAR RENE FLORES & HECTOR HERNANDEZ**, were also present. Thereupon both sides announced ready for trial, and the Defendant pleaded **NOT GUILTY** to the offense charged in the INDICTMENT. A Jury was duly selected, impaneled and sworn. Having heard the evidence submitted and having been duly charged by the Court, the Jury retired to consider their verdict. Afterward, on **JUNE 03, 2022**, being brought into open court by the proper officer, the Defendant, the Defendant's Attorney and the State's Attorney being present, and being asked if the Jury had agreed upon a verdict, the Jury answered it had and returned to the Court a verdict, which was read aloud, received by the Court, and is now entered upon the minutes of the Court as follows:

**We, the Jury, find the Defendant, GABRIEL KEITH ESCALANTE, GUILTY of the offense of TAMPERING WITH PHYSICAL EVIDENCE as charged in the indictment.**

Thereupon, the Defendant having previously elected to have the punishment assessed by the Judge, the Court heard evidence related to the question of punishment. Thereafter, the Court made a finding of **NONE** on the enhancement paragraph(s), if any, and assessed punishment at **10 YEARS** in the **INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE** and a Fine of **NONE**.

A pre-sentence investigation report **WAS NOT DONE** according to Article 42.12, Sec. 9, CCP.

And thereupon on **JUNE 06, 2022**, the Court then asked the Defendant whether the Defendant had anything to say why the sentence should not be pronounced upon Defendant, and the Defendant having answered nothing in bar thereof, the Court proceeded to pronounce sentence upon Defendant.

It is therefore **ORDERED, ADJUDGED and DECREED** by the Court that the Defendant is guilty of the offense of **TAMPER/FABRICATE PHYS EVID W/INTENT TO IMPAIR, 3RD DEGREE FELONY**, committed on **APRIL 23, 2018**; that the punishment is fixed at **10 YEARS** in the **INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE** and a Fine of **NONE**; and that the State of Texas do have and recover of the Defendant all court costs in this prosecution expended, for which execution will issue.

It is further **ORDERED** by the Court that the Defendant be taken by the authorized agent of the State of Texas or by the Sheriff of Hidalgo County, Texas, and be safely conveyed and delivered to the Director of the Institutional Division of the Texas Department of Criminal Justice, there to be confined in the manner and for the period aforesaid, and the Defendant is hereby remanded to the custody of the Sheriff of Hidalgo County, Texas, until such time as the Sheriff can obey the directions of this sentence.

**Furthermore, the following special findings or orders apply:**

The Court, upon the State's motion, **DISMISSED** the following count, case or complaint: **NONE**.

The Court, upon the Defendant's request and the State's consent, **CONSIDERED** as an admitted unadjudicated offense the following count, case or complaint: **NONE**.

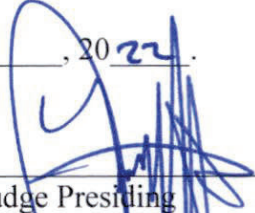


The Court finds that the sentence imposed or suspended shall run concurrent unless otherwise specified.

The Court finds that the Defendant shall be credited with **1,496** on his sentence for time spent in jail in this cause.

The Court finds the Defendant owes **NONE** for the Fine, **NONE** in restitution, **NONE** in court costs. The Defendant shall make restitution, if any, within five (5) years after the end of the term of imprisonment imposed.

Signed on the 13 day of June, 2022.

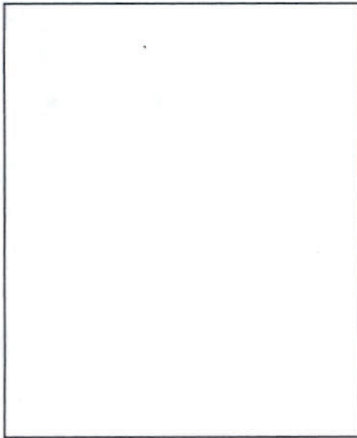
  
\_\_\_\_\_  
Judge Presiding


Receipt is hereby acknowledged on the date shown above of one copy of this Judgment & Sentence.

\_\_\_\_\_  
Defendant

JC

Defendant's right thumbprint



  
\_\_\_\_\_  
Community Supervision Officer

*defendant denied*

