

Case No. CR-0768-15-B (COUNT ONE)
TRN 9220311046 A001

THE STATE OF TEXAS
V.
JOHNNY ANTHONY
PALOMO, DEFENDANT
SID: TX-07247194

IN 93RD DISTRICT COURT
OF
HIDALGO COUNTY, TEXAS

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

DATE OF JUDGMENT: January 20, 2017
VISITING JUDGE PRESIDING: G. JAIME GARZA
COURT REPORTER: MARK KVAPIL
ATTORNEY FOR THE STATE: ROXANNA SALINAS AND DENISE SANTA ANA
ATTORNEY FOR THE DEFENDANT: ROGELIO GARZA and CARLOS ORTEGON
OFFENSE CODE: 09990027
OFFENSE: CAPITAL MURDER OF PERSON UNDER SIX YOA
DATE OF OFFENSE: NOVEMBER 29, 2014
DEGREE OF OFFENSE: CAPITAL FELONY
STATUTE FOR OFFENSE: 19.03 (A)(8) PC
APPLICABLE PUNISHMENT RANGE: LIFE
(Including enhancements if any):
CHARGING INSTRUMENT: INDICTMENT or INFORMATION
PLEA TO OFFENSE: NOT GUILTY
JURY VERDICT FOR OFFENSE: GUILTY
PUNISHMENT IMPOSED BY COURT: LIFE IMPRISONMENT WITHOUT PAROLE
PLACE OF IMPRISONMENT: INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
FINE: NONE
RESTITUTION: NONE
CREDIT FOR TIME SPENT IN JAIL: 778 DAYS
DISMISS: CR-0768-15-B (COUNTS TWO & THREE)
CONSIDER: NONE
PLEA TO ENHANCEMENT: NONE
PARAGRAPH(S):
FINDING TO ENHANCEMENT: NONE
FINDING ON DEADLY WEAPON: NONE
COURT COSTS: \$ 279.00
DATE SENTENCE IMPOSED: JANUARY 20, 2017

On **DECEMBER 5, 2016**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **ROXANNA SALINAS AND DENISE SANTA ANA**, and the Defendant and the Defendant's attorney, **ROGELIO GARZA and CARLOS ORTEGON** were also present. Thereupon both sides announced ready for trial, and the Defendant pleaded **NOT GUILTY** to the offense charged in the indictment or information. 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 **DECEMBER 8, 2016**, 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, JOHNNY ANTHONY PALOMO, guilty of the offense of CAPITAL MURDER OF PERSON UNDER SIX YOA as charged in the indictment.

Thereupon, the State having elected not to seek the death penalty as allowed under Article 37.071 Section 1 of the Texas Code of Criminal Procedure, 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 **CAPITAL MURDER OF PERSON UNDER SIX YOA, CAPITAL FELONY**, committed on **NOVEMBER 29, 2014**; that the punishment is fixed at **LIFE imprisonment** in the **INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE** without parole, 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.

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

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: **CR-0768-15-B (COUNTS TWO & THREE), 93RD DISTRICT COURT, HIDALGO COUNTY, TEXAS.**

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.

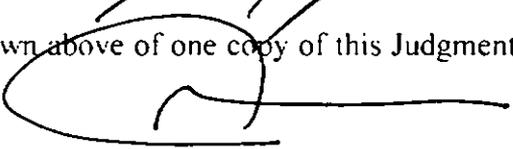
The Court finds that the Defendant shall be credited with **778 DAYS** on his sentence for time spent in jail in this cause.

The Court finds the Defendant owes **NONE** for the Fine, **NONE** in restitution, \$ 279.00 in court costs.

Signed on the 25 day of January, 2017.


Judge Presiding

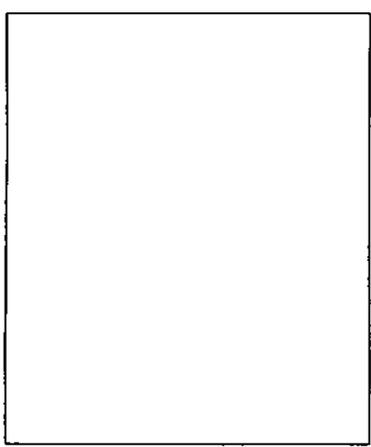
Receipt is hereby acknowledged on the date shown above of one copy of this Judgment & Sentence.

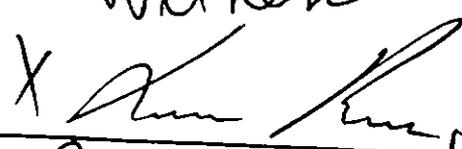

Community Supervision Officer

Defendant

JM

Defendant's right thumbprint



Witness
X 
Refused to Sign