

Case No. CR-4463-15-B (COUNT ONE)
TRN 9220373998 A001

THE STATE OF TEXAS § IN 93RD DISTRICT COURT
V. § OF
FABIAN IGNACIO FAZ § HIDALGO COUNTY, TEXAS
FLORES, DEFENDANT
SID: TX-05444706

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

DATE OF JUDGMENT: June 27, 2016
JUDGE PRESIDING: RODOLFO DELGADO
COURT REPORTER: JACQUE INKS
ATTORNEY FOR THE STATE: ROXANNA SALINAS AND CASSANDRA
HERNANDEZ
ATTORNEY FOR THE DEFENDANT: ROBERT M. CAPELLO, JR AND ROEL
ESQUIVEL
OFFENSE CODE: 09990020A
OFFENSE: ATTEMPTED CAPITAL MURDER
DATE OF OFFENSE: JUNE 11, 2015
DEGREE OF OFFENSE: 1ST DEGREE FELONY
STATUTE FOR OFFENSE: 19.03(A)(1) PENAL CODE
APPLICABLE PUNISHMENT RANGE: LIFE OR 5-99 YEARS IN PRISON/MAX
(Including enhancements if any) \$10,000 FINE
CHARGING INSTRUMENT: INDICTMENT or INFORMATION
PLEA TO OFFENSE: NOT GUILTY
JURY VERDICT FOR OFFENSE: GUILTY
PUNISHMENT IMPOSED BY JURY: 40 YEARS IMPRISONMENT
PLACE OF IMPRISONMENT: INSTITUTIONAL DIVISION OF THE
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE
FINE: NONE
RESTITUTION: NONE
CREDIT FOR TIME SPENT IN JAIL: 382 DAYS
DISMISS: CR-2813-15-B and CR-15-05875-D
CONSIDER: NONE
PIFA TO ENHANCEMENT: TRUE TO ONE
PARAGRAPH(S)
FINDING TO ENHANCEMENT: TRUE TO ONE
FINDING ON DEADLY WEAPON: NONE
COURT COSTS: NONE
DATE SENTENCE IMPOSED: JUNE 27, 2016

On **JUNE 20, 2016**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **ROXANNA SALINAS AND CASSANDRA HERNANDEZ**, and the Defendant and the Defendant's attorney, **ROBERT M. CAPELLO, JR AND ROEL ESQUIVEL** 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 **JUNE 23, 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, FABIAN IGNACIO FAZ FLORES, guilty of the offense of ATTEMPTED CAPITAL MURDER as charged in the indictment.

Thereupon, the Defendant having previously elected to have the punishment assessed by the Jury, pleaded to the enhancement paragraphs, if any, as stated above, and the jury was called back into the box and heard evidence related to the question of punishment. Thereafter, the jury retired to consider such question and, after having deliberated, the jury was brought back 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, having found the Defendant, FABIAN IGNACIO FAZ FLORES, guilty of the felony offense of ATTEMPTED CAPITAL MURDER, do further find that it is "TRUE" that the Defendant has been once before convicted of a felony offense as alleged in the State's Notice of Intent to Use Prior Conviction or Adjudication, and assess punishment at imprisonment in the Institutional Division of the Texas Department of Criminal Justice for 40 years (not less than 15 years nor more than 99 years).

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

And thereupon on **JUNE 27, 2016**, 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 **ATTEMPTED CAPITAL MURDER, 1ST DEGREE FELONY**, committed on **JUNE 11, 2015**, that the punishment is fixed at **40 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 **CR-2813-15-B, 93RD DISTRICT COURT and CR-15-05875-D, COUNTY COURT AT LAW NO. 4, HIDALGO COUNTY, TEXAS.**

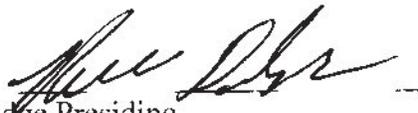
The Court, upon the Defendant's request and the State's consent, **CONSIDERED** as an admitted unadjudicated offense the following count, case or complaint: **NONE.**

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

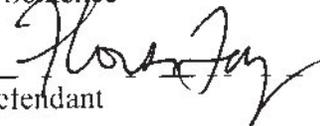
The Court finds that the Defendant shall be credited with **382 DAYS** on his sentence for time spent in jail in this cause.

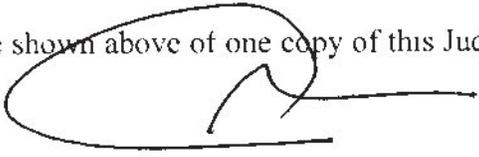
The Court finds the Defendant owes **NONE** for the Fine, **NONE** in restitution, **NONE** in court costs. The Defendant shall make restitution, if any, within five (5) years after the end of the term of imprisonment imposed.

Signed on the 27 day of June, 2016.


Judge Presiding

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


Defendant


Community Supervision Officer

JM

Defendant's right thumbprint

