

Case No. CR-5205-07-F
TRN 912 786 7471 A001

THE STATE OF TEXAS § IN THE 332ND JUDICIAL
v. NELSON GARCIA § DISTRICT COURT OF
DELGADO, § HIDALGO COUNTY, TEXAS
DEFENDANT
SID: TX 07222772

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

DATE OF JUDGMENT: June 3rd 2008
JUDGE PRESIDING: MARIO E. RAMIREZ
ATTORNEY FOR THE STATE: MONICA B. AUGER & JOAQUIN
ZAMORA
OFFENSE CODE: 09990026
ATTORNEY FOR THE DEFENDANT: ALFREDO MORALES & ROY GARZA
OFFENSE: CAPITAL MURDER, AS CHARGED IN
THE INDICTMENT
DATE OF OFFENSE: OCTOBER 1, 2007
DEGREE OF OFFENSE: CAPITAL FELONY
STATUTE FOR OFFENSE: 19.03(a)(7) PENAL CODE
APPLICABLE PUNISHMENT RANGE: LIFE OR DEATH
(Including enhancements if any):
CHARGING INSTRUMENT: INDICTMENT
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: 246 DAYS
DISMISS: NONE
CONSIDER: NONE
CONCURRENT WITH: NONE
PLEA TO ENHANCEMENT NONE
PARAGRAPII(S):
FINDING TO ENHANCEMENT: NONE
FINDING ON DEADLY WEAPON: NONE
COURT COSTS: \$ 291.00
DATE SENTENCE IMPOSED: JUNE 3, 2008

On **MAY 28, 2008**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **MONICA B. AUGER & JOAQUIN ZAMORA**, and the Defendant and the Defendant's attorney, **ALFREDO MORALES & ROY GARZA**, 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 3, 2008**, 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, NELSON GARCIA DELGADO, GUILTY of the offense of CAPITAL MURDER 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, AS CHARGED IN THE INDICTMENT, CAPITAL FELONY**, committed on **OCTOBER 1, 2007**; 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 **WAS NOT DONE** 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: **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 this sentence shall run concurrent with: **NONE**.

The Court finds that the Defendant shall be credited with **246 DAYS** on his sentence for time spent in jail in this cause.

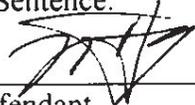
The Court finds the Defendant owes **NONE** for the Fine, **NONE** in restitution, \$ _____ in court costs.

Signed on the 4th day of June, 20 08.

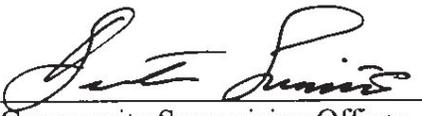


Judge Presiding

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

