

Case No. CR-4969-10-F
TRN 9136413860 A001

FILED
AT: 11:18 O'CLOCK AM

OCT 30 2018

THE STATE OF TEXAS
V.
ELOY HERACLIO ALCALA,
DEFENDANT
SID: TX-03748895

IN 332ND DISTRICT COURT
OF
HIDALGO COUNTY, TEXAS

CLAUDIA HINOJOSA, CLERK
District Courts, Hidalgo County
By:  Deputy #35

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

DATE OF JUDGMENT: October 23, 2018
JUDGES PRESIDING: ROMEO FLORES – (JURY SELECTION;
GUILT/INNOCENCE PHASE)
MARIO E. RAMIREZ, JR.
(DELIBERATION)
ISRAEL RAMON, JR. (DELIBERATION;
VERDICT; SENTENCING)
COURT REPORTER: REGINA VASQUEZ
ATTORNEY FOR THE STATE: MONICA B. AUGER AND CARISA
RIVERA CASAREZ
ATTORNEY FOR THE DEFENDANT: DANIEL R. REYES AND JAIME
ALEMAN
OFFENSE CODE: 09990026
OFFENSE: CAPITAL MURDER
DATE OF OFFENSE: OCTOBER 08, 2010
DEGREE OF OFFENSE: CAPITAL FELONY
STATUTE FOR OFFENSE: 19.03 (A)(7) PC
APPLICABLE PUNISHMENT RANGE: LIFE OR DEATH
(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: 1,944 DAYS
DISMISS: NONE
CONSIDER: NONE
PLEA TO ENHANCEMENT NONE
PARAGRAPH(S):
FINDING TO ENHANCEMENT: NONE
FINDING ON DEADLY WEAPON: NONE

COURT COSTS: \$ 269.00
DATE SENTENCE IMPOSED: OCTOBER 23, 2018

On **SEPTEMBER 26, 2018**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **MONICA B. AUGER AND CARISA RIVERA CASAREZ**, and the Defendant and the Defendant's attorney, **DANIEL R. REYES AND JAIME ALEMAN** 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 **OCTOBER 23, 2018**, 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, ELOY HERACLIO ALCALA, 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, CAPITAL FELONY**, committed on **OCTOBER 08, 2010**; 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: **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 **1,944 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, \$ 269.00 in court costs.

Signed on the 30th day of October, 20 18.

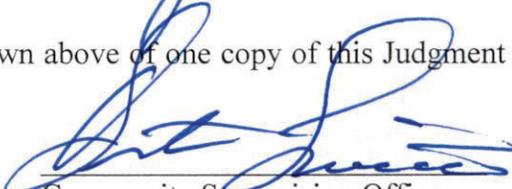


Judge Presiding

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

