

Case No. CR-1498-14-J (COUNT ONE)
TRN 922 019 0346 A001

THE STATE OF TEXAS § IN THE 430TH JUDICIAL
v. GILBERTO DE JESUS § DISTRICT COURT OF
LOPEZ VALDEZ, § HIDALGO COUNTY, TEXAS
DEFENDANT
SID: TX 50403144

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

DATE OF JUDGMENT: October 23, 2014
JUDGE PRESIDING: ISRAEL RAMON JR.
ATTORNEY FOR THE STATE: ROBERT GUERRA & ASHLY REEVE
ATTORNEY FOR THE DEFENDANT: ROBERT CAPELLO
OFFENSE CODE: 09990022A
OFFENSE: ATTEMPT TO COMMIT CAPITAL
MURDER BY TERROR
THREAT/OTHER, AS CHARGED IN
THE INDICTMENT
DATE OF OFFENSE: NOVEMBER 27, 2013
DEGREE OF OFFENSE: FIRST DEGREE FELONY
STATUTE FOR OFFENSE: 19.03 (a)(2) 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 COURT: TWENTY-SEVEN (27) YEARS
IMPRISONMENT
PLACE OF IMPRISONMENT INSTITUTIONAL DIVISION OF THE
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE
FINE: NONE
RESTITUTION: NONE
CREDIT FOR TIME SPENT IN JAIL: 331 DAYS
DISMISS: CR-1498-14-J (COUNT TWO)
CONSIDER: NONE
PLEA TO ENHANCEMENT NONE
PARAGRAPH(S):
FINDING TO ENHANCEMENT: NONE
FINDING ON DEADLY WEAPON: AFFIRMATIVE
COURT COSTS: NONE
DATE SENTENCE IMPOSED: OCTOBER 23, 2014

On **OCTOBER 14, 2014**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **ROBERT GUERRA & ASHLY REEVE**, and the Defendant and the Defendant's attorney, **ROBERT CAPELLO**, 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 22, 2014**, 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, Gilberto De Jesus Lopez Valdez, GUILTY of the offense of Attempted Capital Murder, as charged in Court One of 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 **TWENTY-SEVEN (27) 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 **OCTOBER 23, 2014**, 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 **ATTEMPT TO COMMIT CAPITAL MURDER BY TERROR THREAT/OTHER, AS CHARGED IN THE INDICTMENT, FIRST DEGREE FELONY**, committed on **NOVEMBER 27, 2013**; that the punishment is fixed at **TWENTY-SEVEN (27) 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 finds, in accordance with the Jury's verdict, that Defendant used or exhibited a deadly weapon, namely, a **firearm**, during the commission of a felony offense or during immediate flight there from or was a party to the offense and knew that a deadly weapon would be used or exhibited.

The Court, upon the State's motion, **DISMISSED** the following count, case or complaint: **CR-1498-14-J (COUNT TWO), STATE OF TEXAS VS. GILBERTO DE JESUS LOPEZ VALDEZ, 430TH 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.**

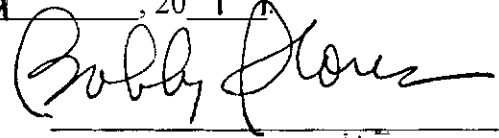
The Court finds that the sentence imposed or suspended shall run concurrent unless otherwise specified.

LUG

The Court finds that the Defendant shall be credited with **331 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 23rd day of October, 2014



Judge Presiding

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

Lopez valdez G: bob
Defendant
NC



Community Supervision Officer

Defendant's right thumbprint

