

THE STATE OF TEXAS NO. 89-CR-957-H IN THE 347TH DISTRICT
V. COURT
CARLOS HERNANDEZ NUECES COUNTY, TEXAS

JUDGMENT ON PLEA OF GUILTY OR NOLO CONTENDERE BEFORE COURT
WAIVER OF JURY TRIAL

a. Synopsis Of The Judgment

Judge Presiding: VERNON D. HARVILLE Date Of Judgment: OCTOBER 9, 1989

Attorney For State: MARK SKURKA Attorney For Defendant: JON KELLY

Offense Convicted Of: AGGRAVATED ASSAULT Degree: THIRD Date Offense Committed: APRIL 15, 1989

Charging Instrument: INDICTMENT Plea: GUILTY

Terms Of Plea Bargain: A copy of the plea agreement is attached to the judgment.

Plea To Enhancement Paragraphs: Not Applicable. Findings On Enhancement: Not Applicable.

Findings On Use Of Deadly Weapon: NONE

Date Sentence Imposed: OCTOBER 9, 1989 Costs: \$532.50

Punishment And Place Of Confinement.

Term Of Confinement: TEN YEARS

Fine: -0-

Place Of Confinement: TEXAS DEPARTMENT OF CORRECTIONS

Date To Commence: OCTOBER 9, 1989

Time Credited: 8 DAYS Total Amount Of Restitution/Reparation: -0-

Concurrent Unless Otherwise Specified.

THE STATE OF TEXAS V. CARLOS HERNANDEZ
Judgment -- 89-CR-957-H

b. T e x t O f J u d g m e n t

This case was called on OCTOBER 9, 1989. The parties appeared and announced ready for trial. The following attorneys appeared for the State: MARK SKURKA. The following attorneys appeared for the defendant: JON KELLY. The defendant was personally present with his counsel during the trial.

The defendant waived trial by jury. The Court approved the waiver after finding that all of the requirements of Article 1.13, Texas Code Of Criminal Procedure, had been met.

Defendant waived reading of the indictment and entered a plea of guilty. The Court inquired as to the existence of any plea bargaining agreement. The parties informed the Court that one existed and advised the Court of its terms.

Before accepting the plea, the defendant was advised by the Court of the elements of the offense, of the applicable range of punishment, and further admonished as required by Article 26.13, Texas Code of Criminal Procedure. The defendant was further advised that if the defendant was not a citizen of the United States Of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

The court finds that the defendant is mentally competent. The court finds that the plea is being made knowingly, freely, and voluntarily. Based on representations by defendant and his counsel, the Court finds that defendant has received effective assistance of counsel.

Evidence was submitted on the issues of guilt and punishment.

The Court accepts the defendant's plea of guilty, and based on the evidence submitted, the Court finds beyond a reasonable doubt that the defendant is guilty of the offense of AGGRAVATED ASSAULT, a felony of the THIRD DEGREE, and assesses punishment at confinement in the Texas Department Of Corrections for a term of TEN YEARS and by a fine of -0-.

In accordance with these findings, it is ordered, adjudged, and decreed that the defendant is guilty of the offense of AGGRAVATED ASSAULT, a felony of the THIRD DEGREE; that defendant be punished by confinement in the Texas Department Of Corrections for a term of TEN YEARS and by a fine of -0-; and that the State of Texas have and recover of the defendant all costs for this prosecution in the amount of \$533.50 and the fine for which let execution issue.

The Court finds beyond a reasonable doubt that the offense was committed on APRIL 15, 1989 .

Before pronouncing sentence, the defendant was asked if there was any reason why sentence should not be pronounced. The defendant gave no reason to prevent sentencing. In open court, in the presence of defendant and defendant's counsel, the court pronounced sentence as follows:

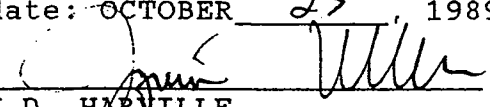
It being the judgment of this court that the defendant, CARLOS HERNANDEZ is guilty of the offense of AGGRAVATED ASSAULT and that his punishment be by confinement in the Texas Department Of Corrections for a term of TEN YEARS and by a fine of -0-, it is the order of this Court that the punishment be carried into execution in the manner prescribed by law. The Sheriff of Nueces County, or an authorized agent of the State Of Texas, is hereby ordered to deliver defendant to the Texas Department Of Corrections to begin serving his term of confinement. The State of Texas shall have and recover of Defendant the fine and costs of this prosecution, for which let execution issue against defendant's property. Defendant is remanded to jail to await his transfer to the penitentiary.

Sentence was pronounced on OCTOBER 9, 1989 .

Sentence shall commence on OCTOBER 9, 1989 .

The defendant is given credit for 8 DAYS on his sentence for time spent in jail in this case between the date of his arrest and the date of sentencing.

Signed and entered on this date: OCTOBER 23, 1989


VERNON D. HARVILLE
JUDGE PRESIDING