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JUDGMENT AND S[illegible]ENCE PLEA OF GUILTY – JURY WAIVE[illegible] NON-CAPITAL

MINUTES OF THE 204th Judicial DISTRICT COURT OF DALLAS COUNTY, TEXAS

THE STATE OF TEXAS No. F80-10406 MQ JULY Term. A.D. 19 80

VS. September 25 A.D. 19 80

CARLOS DELUNA

JUDGMENT

The defendant having been indicted in the above entitled and numbered cause for the felony offense of Unauthorized Use of a Vehicle, a Third Degree Felony, as charged in the indictment and this cause being this day called for trial, the State appeared by her assistant Criminal District Attorney Don Land and the Defendant CARLOS DELUNA appeared in person and his counsel Frank Pearce also being present and both parties announced ready for trial, and the Defendant in person and in writing in open Court having waived his right of trial by jury, such waiver being with the consent and approval of the Court and now entered of record on the minutes of the Court and such waiver being with the consent and approval of the Criminal District Attorney of Dallas County, Texas, in writing, signed by him, and filed in the papers of this cause before the Defendant entered his plea herein, the defendant was duly arraigned and in open Court pleaded NOLO CONTENDRE to the charge contained in the indictment; thereupon the defendant was admonished by the Court of the consequences of the said plea and the defendant persisted in entering said plea, and it plainly appearing to the Court that the defendant is mentally competent and that he is uninfluenced in making said plea by any consideration of fear, or by any persuasion, or delusive hope of pardon prompting him to confess his guilt, the said plea was accepted by the Court and is now entered of record as the plea herein of the Defendant. The defendant in open Court, in writing, having waived the reading of the indictment, the appearance, confrontation, and cross-examination of witnesses, and agreed that the evidence may be stipulated and consented to the introduction of testimony by affidavits, written statements of witnesses and any other documentary evidence, and such waiver and consent having been approved by the Court in writing and filed in the papers of the cause; and, the Court having heard the Defendant's waiver of the reading of the indictment, the defendant's plea thereto, the evidence submitted, and the argument of counsel, is of the opinion from the evidence submitted that the defendant is guilty as charged.

IT IS THEREFORE CONSIDERED AND ADJUDGED BY THE COURT, that the said Defendant is guilty of the felony offense of Unauthorized Use of a Vehicle, a Third Degree Felony, ascharged in the indictment and that the said Defendant committed said offense on the 26th day of July, 19 80, and that he be punished by confinement in the Texas Department of Corrections for 3 years, and that the State of Texas do have and recover of the said defendant all costs in this prosecution expended, for which execution will issue; and that said defendant be remanded to the Sheriff of Dallas County, Texas, to await the further order of the Court herein.

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SENTENCE

THE STATE OF TEXAS

VS.

CARLOS DELUNA No. F80-10406 MQ September 25 19 80

THIS DAY this cause being again called, the State appeared by her Criminal District Attorney, and the Defendant, CARLOS DELUNA appeared in open Court in person, his counsel Frank Pearce also being present, for the purpose of having sentence of the law pronounced in accordance with the judgment herein rendered and entered against him at a former time, and thereupon the said Defendant was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, and he answered nothing in bar thereof, and it appearing to the Court that the Defendant is mentally competent and understanding of the English language, the Court proceeded, in the presence of said Defendant, to pronounce sentence against him, as follows:

IT IS THE ORDER OF THE COURT, that the said Defendant, who has been adjudged to be guilty of Unauthorized Use of a Vehicle, a Third Degree Felony, as charged in the indictment and whose punishment has been assessed by the Court at confinement in the Texas Department of Corrections for 3 years, be delivered by the Sheriff of Dallas County, Texas, immediately to the Director of the Texas Department of Corrections or other person legally authorized to receive such convicts, and said Defendant shall be confined in said Texas Department of Corrections for not less than 2 years nor more than 3 years and until $41.00 court costs are paid in accordance with the provisions of the law governing the Texas Department of Corrections, and the said Defendant is remanded to jail until said Sheriff can obey the direction of this sentence.

It is further ADJUDGED and DECREED by this Court that the sentence pronounced herein shall begin this date, and that the Defendant is granted credit for time served beginning on date of July 28, 1980