



CASE NO. 1272085  
 INCIDENT NO./TRN: 9163473917D001

P2

THE STATE OF TEXAS

vs.

HARPER, GARLAND BERNELL

SID: TX03799074

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IN THE 182 DISTRICT

COURT

COUNTY, TEXAS

RECEIVED  
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 COURT ADMINISTRATION

**JUDGMENT OF CONVICTION BY JURY – CAPITAL MURDER**

Judge Presiding:	HON. JEANNINE BARR	Date Judgment Entered:	10/18/2010
Attorney for State:	A. EMMONS / D. BRADLEY	Attorney for Defendant:	J. STAFFORD / G. BOURQUE

Offense for Which Defendant Convicted:

**CAPITAL MURDER**

Charging Instrument: **INDICTMENT** Statute for Offense:

Date of Offense:  
**10/24/2008**

Degree of Offense: **CAPITAL MURDER** Plea to Offense: **NOT GUILTY**

Verdict of Jury: **GUILTY** Findings on Deadly Weapon: **YES**

Plea to 1 <sup>st</sup> Enhancement Paragraph:	N/A	Plea to 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	N/A
Findings on 1 <sup>st</sup> Enhancement Paragraph:	N/A	Findings on 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	N/A

Punished Assessed by:	Date Sentence Imposed:	Date Sentence to Commence:
JURY	10/18/2010	10/18/2010

Punishment and Place of Confinement: **DEATH**

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$ N/A	\$ 455	\$ N/A	N/A

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.  
 From 10/24/2008 to 10/18/2010 From to From to  
 Time Credited: From to From to From to  
 If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.  
 N/A DAYS NOTES: TOWARD INCARCERATION, FINE, AND COSTS

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Harris County, Texas. The State appeared by her District Attorney.

**Counsel / Waiver of Counsel (select one)**

Defendant appeared in person with Counsel.  
 Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.  
 It appeared to the Court that defendant was mentally competent and had pleaded as shown above to the charging instrument. Both parties announced ready for trial. A jury of twelve individuals was selected, impaneled, and sworn. The INDICTMENT was read to the jury, and defendant entered a plea to the charged offense. The Court received the plea and entered it of record.  
 The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel.  
 The Court received the verdict and ORDERED it entered upon the minutes of the Court.  
 The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the special issues set out in the jury charge. After due deliberation, the jury was brought into Court, and, in open court, it returned its answers to the special issues as indicated below.



The jury found beyond a REASONABLE DOUBT that there is a probability that defendant would commit criminal acts of violence that would constitute a continuing threat to society.

- Yes (unanimous)
- No (by at least 10 jurors)

The jury found beyond a REASONABLE DOUBT that considering all the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

- Yes (by at least 10 jurors)
- No (unanimous)

Special Issues to be included if necessary:

**(If defendant is found GUILTY as a party under TEX. PEN. CODE §§ 7.01, 7.02)**

- The jury found beyond a REASONABLE DOUBT that the defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken.
  - Yes (unanimous)
  - No (by at least 10 jurors)

**(If defendant has a mental impairment or defect)**

The jury found from a PREPONDERANCE OF THE EVIDENCE that defendant is a person with:

- Mental illness
- Mental retardation

The Court FINDS Defendant committed the above offense and ORDERS, ADJUDGES AND DECREES that Defendant is GUILTY of the above offense.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS that the State of Texas shall recover all costs of the prosecution from the Defendant and that execution will issue.

**Punishment Options**

- Confinement in Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the Director, Institutional Division, TDCJ. The Court ORDERS Defendant to be confined for the period and in the manner indicated above. The Court ORDERS TDCJ to make withdrawals from the Defendant's inmate account as such funds become available. The Court ORDERS TDCJ to pay such funds to the individual / agency cited above until the ordered restitution, court fees, costs, and fines are paid in full. TEX. GOV'T CODE § 501.014. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence.
- Death.** The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the Director, Institutional Division, TDCJ. Defendant shall be confined in said Institutional Division in accordance with the provisions of the law governing the Texas Department of Criminal Justice, Institutional Division until a date of execution of the said Defendant is imposed by this Court after receipt in this Court of mandate of affirmance from the Court of Criminal Appeals of the State of Texas. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence.

**Execution**

- The Court ORDERS Defendant's sentence EXECUTED.
  - The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.
  - The Court further ORDERS Defendant to pay restitution to the person(s) named above in the amount specified.

**Furthermore, the following special findings or orders apply:**

**Deadly Weapon.**

The Court FINDS Defendant used or exhibited a deadly weapon, AS CHARGED IN THE INDICTMENT, during the commission of a felony offense or during immediate flight therefrom or was a party to the offense and knew that a deadly weapon would be used or exhibited. TEX. CODE CRIM. PROC. art. 42.12 §3g.

Signed and entered on October 18, 2010

X   
 JEANNINE BARR  
 JUDGE PRESIDING

4/1099  
 LCBT  
 187989

Ntc Appeal Filed: 10/18/10 Mandate Rec'd: \_\_\_\_\_

After Mandate Received, Sentence to Begin Date is: \_\_\_\_\_

Received on 10/18/10 at 2:30 AM / PM 

By: , Deputy Sheriff of Harris County

