



JUDGMENT -- DEATH PENALTY

CAUSE NO. **1045419**
Incident No./TRN: 9036475341A001

THE STATE OF TEXAS
VS.

ROOSEVELT SMITH JR.

(Name of Defendant)
AKA
State ID No.: TX

IN THE **263RD** DISTRICT COURT
OF HARRIS COUNTY, TEXAS

RECEIVED
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OFFICE OF
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Date of Judgment: **10/19/2007** | Date of Offense: **10/28/2005**

Attorney for State: **MARIE MCANULTY/BRAD HART**

Attorney for Defendant: **GERALD BOURQUE/ROBERT SCOTT** Defendant Waived Counsel

Offense for Which Defendant Convicted: **CAPITAL MURDER**

A FELONY, DEGREE: CAPITAL

Make appropriate selection (N/A = not available or not applicable)

Plea to Enhancement 1st Paragraph	2nd Paragraph	Charging
Paragraph(s) N/A	N/A	Instrument: INDICTMENT
Findings on 1st Paragraph	2nd Paragraph	
Enhancement(s): N/A	N/A	Plea: NOT GUILTY

This cause being called for trial, in Harris County, Texas, unless otherwise referenced, the State appeared by her District Attorney as named above and the Defendant named above appeared in person with Counsel as named above; or the Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel as indicated above in writing in open court, and both parties announced ready for trial.

A Jury was selected, impaneled, and sworn. The indictment was read to the Jury, and the Defendant entered a plea of not guilty thereto, after having heard the evidence submitted; and having been charged by the Court as to their duty to determine the guilt or innocence of the Defendant and having heard argument of counsels, the Jury retired in charge of the proper officer and returned into open Court on **10-19-2007**, the following verdict, which was received by the Court and is here entered on record upon the minutes:

"WE, THE JURY, FIND THE DEFENDANT, ROOSEVELT SMITH, JR., GUILTY OF CAPITAL MURDER, AS CHARGED IN THE INDICTMENT"

Thereupon, the Jury, in accordance with law, heard further evidence in consideration of punishment, and having been again charged by the Court, the jury retired in charge of the proper officer in consideration of punishment and returned in open Court on **10-23-2007**, the following verdict, which was received by the Court and is here entered of record upon the minutes:
(Special Issues/Verdict/Certification):

SPECIAL ISSUE NO. 1: DO YOU FIND FROM THE EVIDENCE BEYOND A REASONABLE DOUBT THAT THERE IS A PROBABILITY THAT THE DEFENDANT, ROOSEVELT SMITH, JR., WOULD COMMIT CRIMINAL ACTS OF VIOLENCE THAT WOULD CONSTITUTE A CONTINUING THREAT TO SOCIETY? ANSWER: WE, THE JURY, UNANIMOUSLY FIND AND DETERMINE BEYOND A REASONABLE DOUBT THAT THE ANSWER TO THIS SPECIAL ISSUE "YES." /S/ ARTHUR LANDRY.

SPECIAL ISSUE NO. 2: DO YOU FIND FROM THE EVIDENCE BEYOND A REASONABLE DOUBT THAT ROOSEVELT SMITH JR., THE DEFENDANT HIMSELF, ACTUALLY CAUSED THE DEATH OF BETTY BLAIR, ON THE OCCASION IN QUESTION, OR IF HE DID NOT ACTUALLY CAUSE THE DEATH OF BETTY BLAIR, THAT HE INTENDED TO KILL BETTY BLAIR, OR THAT HE ANTICIPATED THAT A HUMAN LIFE WOULD BE TAKEN? ANSWER: WE, THE JURY,



UNANIMOUSLY FIND AND DETERMINE BEYOND A REASONABLE DOUBT THAT THE ANSWER TO THIS SPECIAL ISSUE IS "YES." /S/ARTHUR LANDRY

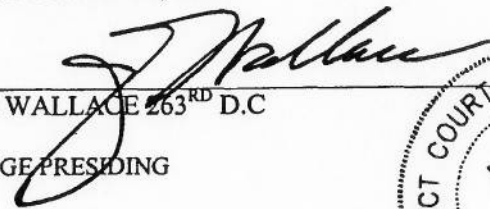
SPECIAL ISSUE NO 3: DO YOU FIND FROM THE EVIDENCE, TAKING INTO CONSIDERATION ALL THE EVIDENCE, INCLUDING THE CIRCUMSTANCES OF THE OFFENSE, THE DEFENDANT'S CHARACTER AND BACKGROUND, AND THE PERSONAL MORAL CULPABILITY OF THE DEFENDANT, ROOSEVELT SMITH, JR., THAT THERE US A SUFFICIENT MITIGATING CIRCUMSTANCE OR CIRCUMSTANCES TO WARRANT THAT A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE RATHER THAN A DEATH SENTENCE BE IMPOSED? ANSWER: WE, THE JURY, UNANIMOUSLY FIND THAT THE ANSWER TO THIS SPECIAL ISSUE IS "NO". /S/ ARTHUR LANDRY

It is therefore considered, ordered, and adjudged by the Court that the Defendant is guilty of the offense indicated above, a felony, as found by the verdict of the Jury, and that the said Defendant committed the said offense on the date indicated above, and that he be punished as has been determined by the Jury, by death, and that Defendant be remanded to jail to await further orders of this Court.

And thereupon, the said Defendant was asked by the Court whether he had anything to say why sentence should not be pronounced against him, and he answered nothing in bar thereof.

Whereupon the Court proceeded, in presence of said Defendant to pronounce sentence against him as follows, to wit, "It is the order of the Court that the Defendant named above, who has been adjudged to be guilty of the offense indicated above and whose punishment has been assessed by the verdict of the Jury and the judgment of the Court at Death, shall be delivered by the Sheriff of Harris County, Texas immediately to the Director of the Institutional Division, Texas Department of Criminal Justice or any other person legally authorized to receive such convicts, and said 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 said Defendant is remanded to jail until said Sheriff can obey the directions of this sentence. From which sentence an appeal is taken as a matter of law to the Court of Criminal Appeals of the State of Texas.

Signed and entered on October 23, 2007

X 
 JIM WALLACE 263RD D.C
 JUDGE PRESIDING



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