

CAUSE NO. B-15,717

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
VS.	§	HENDERSON COUNTY, TEXAS
RANDALL WAYNE MAYS	§	392 ND JUDICIAL DISTRICT
Texas SID: TX02420441		SITTING FOR THE
		173 RD JUDICIAL DISTRICT

JURY TRIAL CAPITAL MURDER
JUDGMENT ON PLEA OF NOT GUILTY BEFORE JURY
DEATH PENALTY ASSESSED

Judge Presiding: CARTER TARRANCE

Date of Order: MAY 13, 2008

Attorney for State: DONNA R. BENNETT and WESLEY MAU

Attorney for Defendant: BOBBY MIMS and STEVE GREEN

Offense convicted of: CAPITAL MURDER, PENAL CODE SEC. 19.03

Degree: CAPITAL OFFENSE

Date of Offense: MAY 17, 2007

Charging Instrument: INDICTMENT Plea: NOT GUILTY

Jury Verdict: GUILTY

Plea to Enhancement Paragraph: NOT APPLICABLE

Findings on Enhancement: NOT APPLICABLE

Findings on Use of Deadly Weapon: NONE - 3(G) OFFENSE – CAPITAL MURDER

Punishment Assessed by: JURY

Date Sentence Imposed: MAY 13, 2008

SUBJECT TO MANDATORY APPEAL AS PROVIDED BY STATUTE

Punishment and Place of Confinement: DEATH SENTENCE
DEFENDANT ORDERED HELD IN TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, INSTITUTIONAL DIVISION UNIT, UNTIL EXECUTED PURSUANT
TO LAW AND THE JUDGMENT AND SENTENCE OF THE COURT.

Time Credited: since May 17, 2007

Restitution: None

Fine: -0-

Court Costs: \$ to be determined

The Defendant having been indicted in the above entitled and numbered cause for the felony offense of CAPITAL MURDER, and on the 26th day of March, 2008, this cause being called for trial, the State appeared by DONNA R. BENNETT, her District Attorney, and WESLEY MAU, Assistant District Attorney; and the Defendant appeared in person and by his counsel, BOBBY MIMS and STEVE GREEN, and both parties announced ready for trial, and the said Defendant in open Court was duly arraigned and pleaded NOT GUILTY to the charge contained in the indictment herein; thereupon, a jury, to-wit: Anthony Lazaro, Foreperson, and eleven others and two alternate jurors were duly selected, impaneled and sworn in accordance with Texas law and the jury after having heard the indictment read, and the Defendant's plea of NOT GUILTY thereto, and having heard the evidence submitted, and having been duly charged by the Court, as to their duty to determine the guilt or innocence of the Defendant and assessment of punishment if found guilty, and after hearing arguments of counsel, the Jury, on the 9th day of May, 2008, retired in charge of the proper officer to consider their verdict, and afterward were brought into open Court, by the proper officer, the Defendant and his counsel being present, and in due form of law returned into open Court the following verdict, which was received and

accepted by the Court and is here now entered upon the minutes of the Court, to-wit:

“We, the Jury, find the Defendant, Randall Wayne Mays, guilty of Capital Murder, as charged in the indictment.”

/s/ Anthony Lazaro,
Foreperson

The Defendant having been found guilty by verdict of the jury, it is hereby ADJUDGED and DECREED that the Defendant is guilty of the felony offense of Capital Murder.

ON the 13th day of May, 2008, the jury, after hearing further testimony and considering the evidence and arguments of counsel, and having been duly charged by the Court, retired to consider their verdict as to punishment, and afterward were brought into open Court, the Defendant and his counsel being present, and in due form of law returned into open Court the following verdict, which was received and accepted by the Court and is here now entered upon the minutes of the Court, to-wit:

Special Issue No. 1 Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant 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 is “YES.”

/s/ Anthony Lazaro
Foreperson of the Jury

Special Issue No. 2 Taking into consideration all of the evidence, including the circumstances of the offense, the Defendant’s character and background, and the personal moral culpability of the Defendant, do you find from that evidence, 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? Answer: “We, the jury, unanimously find and determine that the answer to Special Issue Number 2 is “No.”

/s/ Anthony Lazaro
Foreperson of the Jury

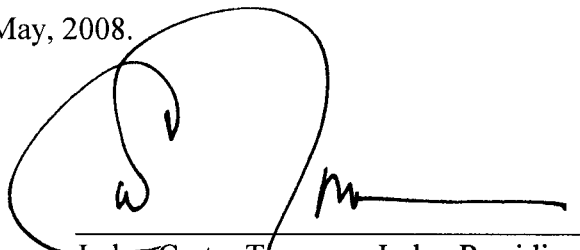
It is, therefore, FOUND AND ADJUDGED by the Court, that the said Defendant is guilty of the capital felony offense of CAPITAL MURDER, and that said Defendant committed said offense on the 17th day of May, 2007, as found by the jury, and that he be punished, as has been determined by the jury's answers to the special issues and in accordance with State law by imposition of the sentence of DEATH, according to the law.

Thereupon, the said Defendant was informed by the Court of the mandatory appeal of this judgment and sentence to the Texas Court of Criminal Appeals as provided by law and rights to an 11.071 Application for Writ of Habeas Corpus, and further the said Defendant was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, subject to the mandatory appeal and mandate, and he answered nothing in bar thereof, and it appearing to the Court that the Defendant is mentally competent and understands the proceedings, the Court proceeded, in the presence of the Defendant, his counsel and the State, also being present, to pronounce sentence against him as follows.

It is, therefore, CONSIDERED AND ORDERED by the Court, that the said Defendant, Randall Wayne Mays is guilty of the offense of capital murder as charged in the indictment, a capital felony; and that the defendant committed said offense of capital murder on or about the 17th day of May, 2007, as found by the jury and that he be punished, as has been determined by the jury's answers to the special issues along with Texas law, by imposition of the punishment of DEATH, according to the law, and said defendant is remanded to the Sheriff of Henderson County, Texas, to be delivered to the Director of the Texas Department of Criminal Justice, Institutional Division, or other person legally authorized to receive said defendant, to be held until a date to be determined and ordered by this Court should the appeal in this cause be

affirmed and the mandate of same is returned to the Clerk of this Court, whereupon a Death Warrant with date of Execution shall be ordered as provided by law, and thereafter the Defendant transported to the appropriate authority for execution as provided by law.

SIGNED this the 13th day of May, 2008.

A handwritten signature in black ink, appearing to be 'C. Tarrance', written over a horizontal line.

Judge Carter Tarrance, Judge Presiding
173rd Judicial District Court
Henderson County, Texas

NOTICE OF APPEAL:

MANDATED BY TEXAS LAW from date of Judgment
May 13, 2008.