



CASE NO. D-1-DC-07-302093 COUNTY I
INCIDENT NO./TRN: 9072716493

Filed In The District Court
of Travis County, Texas

OCT 15 2009
At 3:40 P.M.
Amalia Rodriguez-Mendoza, Clerk

THE STATE OF TEXAS

v.

PAUL GILBERT DEVOE

STATE ID No.: TX07638438

§
§
§
§
§
§
§
§

IN THE 403RD DISTRICT

COURT

TRAVIS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY JURY

Judge Presiding: **HON. BRENDA P. KENNEDY** Date Judgment Entered: **10/2/2009**

Attorney for State: **GARY COBB
DAYNA L. BLAZEY
JEREMY SYLESTINE** Attorney for Defendant: **TOM WEBER
AND JAMES C. ERICKSON**

Offense for which Defendant Convicted:
CAPITAL MURDER

Charging Instrument: **INDICTMENT** Statute for Offense: **19.03 (7)(A) Penal Code**

Date of Offense: **8/24/2007**

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

Verdict of Jury: **GUILTY** Findings on Deadly Weapon: **YES, A FIREARM**

Plea to 1st Enhancement Paragraph: **N/A** Plea to 2nd Enhancement/Habitual Paragraph: **N/A**

Findings on 1st Enhancement Paragraph: **N/A** Findings on 2nd Enhancement/Habitual Paragraph: **N/A**

Punished Assessed by: **COURT BASED UPON JURY VERDICT** Date Sentence Imposed: **10/8/2009** Date Sentence to Commence: **10/8/2009**

Punishment and Place of Confinement: **DEATH INSTITUTIONAL DIVISION, TDCJ**

THIS SENTENCE SHALL RUN CONCURRENTLY.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A .

Fine: \$ Court Costs: \$ **386.00** Restitution: \$ **N/A** Restitution Payable to: VICTIM (see below) AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62.

The age of the victim at the time of the offense was .

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From **8/28/2007** to **10/8/2009** 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: N/A

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 Travis 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.

NO. D-1-DC-07-302093

THE STATE OF TEXAS

IN THE 403RD DISTRICT

VS.

PAUL GILBERT DEVOE

COURT OF

TRAVIS, COUNTY TEXAS

JUDGMENT

On this OCTOBER 2, 2009, this cause was called for trial, and the State appeared by her District Attorney GARY COBB AND DAYNA BLAZEY, and the defendant PAUL GILBERT DEVOE appeared in person in open court, his counsel, TOM WEBER AND JIM ERICKSON, also being present, and the said defendant having been duly arraigned, a plea of NOT GUILTY was entered by the Court to the charge contained in the indictment herein, both parties announced ready for trial and thereupon a jury was selected and seated consisting of OSCAR D. CAZARES FOREPERSON and eleven others who were duly sworn. Thereupon the indictment was read and a plea of NOT GUILTY was entered by the Court to the following charge contained in the indictment and read to the jury by the State:

Capital Murder.

All of the evidence was presented by both the State and the Defendant and the charge was read to the jury by the Court and thereupon the jury heard the arguments of both sides and retired in charge of the proper officer to consider of their verdict and afterward were brought into open following verdict which was received by the Court and is here now entered upon the minutes of the Court, to-wit:

We, the Jury, find the defendant, PAUL GILBERT DEVOE, guilty of the offense of Capital Murder, as alleged within the indictment.

Signed: OSCAR D. CAZARES
Foreperson of the jury

And on this OCTOBER 8, 2009 this cause being again called, the State appeared by her District Attorney and the defendant PAUL GILBERT DEVOE appeared in person, his counsel also being present, and the same jury being called to assess the punishment, evidence was presented to the same jury in the matter of assessing punishment. The same jury after hearing all the evidence presented by the State and the defendant for the purpose of assessing punishment, and after having heard argument of counsel, again retired in charge of the proper officer to consider of the verdict, and afterward were again brought into court by the proper officer, the defendant and his counsel being present, and the jury returned into open court the following verdict, which was received the Court and is here now entered upon the minutes of the Court, to-wit:

NO. D-1-DC-07-302093

THE STATE OF TEXAS

IN THE 403RD DISTRICT

VS.

COURT OF

PAUL GILBERT DEVOE

TRAVIS, COUNTY TEXAS

JUDGMENT

On this OCTOBER 2, 2009, this cause was called for trial, and the State appeared by her District Attorney GARY COBB AND DAYNA BLAZEY, and the defendant PAUL GILBERT DEVOE appeared in person in open court, his counsel, TOM WEBER AND JIM ERICKSON, also being present, and the said defendant having been duly arraigned, a plea of NOT GUILTY was entered by the Court to the charge contained in the indictment herein, both parties announced ready for trial and thereupon a jury was selected and seated consisting of OSCAR D. CAZARES FOREPERSON and eleven others who were duly sworn. Thereupon the indictment was read and a plea of NOT GUILTY was entered by the Court to the following charge contained in the indictment and read to the jury by the State:

Capital Murder.

All of the evidence was presented by both the State and the Defendant and the charge was read to the jury by the Court and thereupon the jury heard the arguments of both sides and retired in charge of the proper officer to consider of their verdict and afterward were brought into open following verdict which was received by the Court and is here now entered upon the minutes of the Court, to-wit:

We, the Jury, find the defendant, PAUL GILBERT DEVOE, guilty of the offense of Capital Murder, as alleged within the indictment.

Signed OSCAR D. CAZARES
Foreperson of the jury

And on this OCTOBER 8, 2009 this cause being again called, the State appeared by her District Attorney and the defendant PAUL GILBERT DEVOE appeared in person, his counsel also being present, and the same jury being called to assess the punishment, evidence was presented to the same jury in the matter of assessing punishment. The same jury after hearing all the evidence presented by the State and the defendant for the purpose of assessing punishment, and after having heard argument of counsel, again retired in charge of the proper officer to consider of the verdict, and afterward were again brought into court by the proper officer, the defendant and his counsel being present, and the jury returned into open court the following verdict, which was received the Court and is here now entered upon the minutes of the Court, to-wit:

ISSUE NO. ONE

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?

In your special verdict, you will answer "yes" or "no". **Answer: Yes**

If your answer to Issue Number 1 is "Yes" then you will answer Issue Number 2; otherwise, you will not answer Issue Number 2.

ISSUE NO. TWO

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 that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

In your special verdict, you will answer "yes" or "no". **Answer: No**

CERTIFICATION

We, the jury, having agreed upon the answers to the foregoing issues, return the same into court as our verdict.

We, the jury, having answered the foregoing issues, return the same into court as our verdict.

It is therefore CONSIDERED and ADJUDGED by the Court that the defendant, PAUL GILBERT DEVOE, is guilty of the offense of Capital Murder as found by the jury, and the jury having further answered,

ISSUE NO. ONE

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?

In your special verdict, you will answer "yes" or "no". **Answer: Yes**

If your answer to Issue Number 1 is "Yes" then you will answer Issue Number 2; otherwise, you will not answer Issue Number 2.

ISSUE NO. TWO

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 that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

In your special verdict, you will answer "yes" or "no". **Answer: No**

CERTIFICATION

We, the jury, having agreed upon the answers to the foregoing issues, return the same into court as our verdict.

ISSUE NO. ONE

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?

In your special verdict, you will answer "yes" or "no". **Answer: Yes**

If your answer to Issue Number 1 is "Yes" then you will answer Issue Number 2; otherwise, you will not answer Issue Number 2.

ISSUE NO. TWO

Taking into consideration all of the evidence, including the circumstances of the offense, the defendants character and background, and the personal moral culpability of the defendant, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

In your special verdict, you will answer "yes" or "no". **Answer: No**

CERTIFICATION

We, the jury, having agreed upon the answers to the foregoing issues, return the same into court as our verdict.

The law providing that on such jury finding the Court shall assess the death penalty to the defendant.

It is, therefore, the Order of the court that the defendant be punished by having the death penalty assessed against him.

Thereupon the Defendant, PAUL GILBERT DEVOE, 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, whereupon the Court proceeded, in the presence of said Defendant, PAUL GILBERT DEVOE, to pronounce sentence against him as follows:

Whereas, the defendant has been adjudged to be guilty of capital murder by the jury and the jury having further answered:

ISSUE NO. ONE

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?

In your special verdict, you will answer "yes" or "no". **Answer: Yes**

If your answer to Issue Number 1 is "Yes" then you will answer Issue Number 2; otherwise, you will not answer Issue Number 2.

ISSUE NO. TWO

Taking into consideration all of the evidence, including the circumstances of the offense, the defendants character and background, and the personal moral culpability of the defendant, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

In your special verdict, you will answer "yes" or "no". **Answer: No**

CERTIFICATION

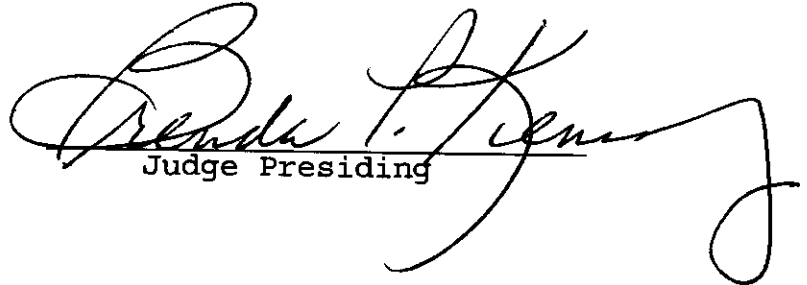
We, the jury, having agreed upon the answers to the foregoing issues, return the same into court as our verdict.

The law providing that on such jury finding the Court shall sentence the Defendant to death.

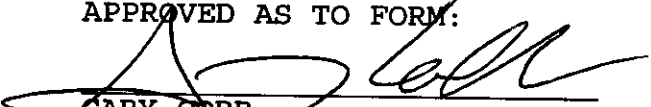
It is, therefore, the ORDER of the Court that the Defendant is sentenced to death, but the law further providing for an automatic appeal to the court of Criminal Appeals of the State of Texas, the sentence is suspended until the decision of the Court of Criminal Appeals has been received by this Court.

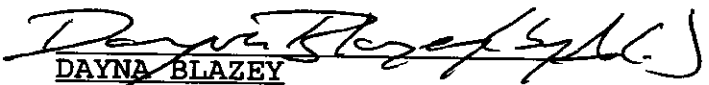
The Defendant is now remanded to the custody of the Sheriff of Travis County, Texas, to be transported to the Institutional Division of the Texas Department of Criminal Justice at Huntsville, Texas, there to await the action of the Court of Criminal Appeals and the further orders of this Court.

Entered this the 15 day of October A.D., 2009


Judge Presiding

APPROVED AS TO FORM:


GARY COBB
Assistant District Attorney


DAYNA BLAZEY
Assistant District Attorney