



CAUSE NO. 24087
TRN NO. 909787825X

THE STATE OF TEXAS § IN THE DISTRICT COURT
VS. § WALKER COUNTY, TEXAS
JERRY DUANE MARTIN § 278TH JUDICIAL DISTRICT
STATE ID NO.: TX03989234

JUDGMENT OF CONVICTION BY JURY

Judge Presiding: KENNETH H. KEELING
Date Judgment Entered: 12/17/2009

Attorney for State: DAVID P. WEEKS
Attorney for Defendant: WILLIAM F. CARTER

Offense for which Defendant Convicted: CAPITAL MURDER

Charging Instrument: INDICTMENT
Statute for Offense: 19.03

Date of Offense:
09/24/07

FILED
9:28 am
17 DAY OF Dec 20 09
ROBYN FLOWERS
District Clerk, Walker County
By: [Signature] Deputy

Degree of Offense: CAPITAL
Plea to Offense: NOT GUILTY
Findings on Deadly Weapon: AFFIRMATIVE

Punishment Assessed by: JURY
Date Sentence Imposed: 12/17/2009
Date Sentence to Commence: 12/17/2009

Punishment and Place of Confinement: DEATH/TEXAS DEPARTMENT OF CRIMINAL JUSTICE-INSTITUTIONAL DIVISION

THIS SENTENCE SHALL RUN CONCURRENTLY.

Fine: \$ 0.00
Court Costs: \$ 14,385.00
ATTORNEY FEES: \$

On this the 12th day of November, A.D. 2009, this cause was called for trial, and the State appeared by her District Attorney, and the defendant, JERRY DUANE MARTIN, appeared in person in open court, his counsel, WILLIAM F. CARTER also being present, and the said defendant having been duly arraigned, entered a plea of NOT GUILTY to the charge contained in the indictment herein, both parties announced ready for trial, and thereupon a jury was selected and seated consisting of James Nash and eleven others who were duly sworn. Thereupon the indictment was read and the defendant entered his plea of not guilty 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 their verdict and afterward were brought into open court by the proper officer, the defendant and his counsel being present, and returned the 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, JERRY DUANE MARTIN, guilty of the offense of capital murder, as alleged in the indictment.

/s/James Nash
Foreman

And on this the 1st day of December, A.D. 2009, this cause being again called, the State appeared by her District Attorney and the defendant JERRY DUANE MARTIN 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 the verdict, and afterward were again brought into court by the proper officer, the defendant and counsel being present, and in due form of law returned into open court the following verdict, which was received 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 there is a probability that the defendant, JERRY DUANE MARTIN, would commit criminal acts of violence that would constitute a continuing threat to society? **Answer:** Yes

SPECIAL ISSUE NO. 2

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

Answer: No

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

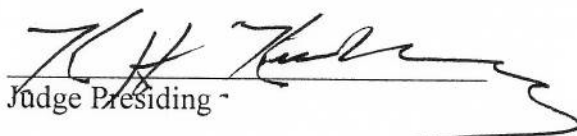
/s/James Nash
Foreman”

It is therefore CONSIDERED and ADJUDGED by the Court that the defendant, JERRY DUANE MARTIN, is guilty of the offense of Capital Murder as found by the jury, and the jury having further answered that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; and that the jury having found no mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed; and 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, and he is remanded to the custody of the Sheriff pending further orders herein.

Entered this 17 day of December 2009





Judge Presiding