

CASE NO. 19FC-1013C COUNT SINGLE
INCIDENT NO. / TRN#: 0118542540

THE STATE OF TEXAS

V.

GARY DAVID GREEN

STATE ID No.: TX03614455

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IN THE DISTRICT COURT

94TH JUDICIAL DISTRICT

NUECES COUNTY, TEXAS

ON CHANGE OF VENUE FROM UPTON COUNTY

JUDGMENT OF CONVICTION BY JURY

Judge Presiding: **Hon. Maria Teresa Herr**

Date Judgment Entered: **JUNE 26, 2019**

Attorney for State:
Laurie K. English, SB# 24025349
Lance Long, SB# 12521650
J.K. "Rusty" Wall, SB# 20756500

Attorney for Defendant:
William Boyles, SB# 24043564
Robert Roy Cowie, SB# 24058836

Offense for which Defendant Convicted:
CAPITAL MURDER

Charging Instrument:
INDICTMENT

Statute for Offense:
TEXAS PENAL CODE §19.03

Date of Offense
OCTOBER 2, 2013

Defendant's Date of Birth:
JANUARY 14, 1963

Degree of Offense:
CAPITAL FELONY

Plea to Offense:
NOT GUILTY

Verdict of Jury:
GUILTY

Findings on Deadly Weapon:
YES - 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**

Subject to mandatory Appeal as provided by Statute

Punishment Assessed by:
JURY

Date Sentence Imposed:
JUNE 26, 2019

Date Sentence to Commence:
JUNE 26, 2019

Punishment and Place Of Confinement: **Death Sentence** – Defendant shall be held in the Texas Department of Corrections - Institutional Division until executed, pursuant to law and the Judgment and Sentence of the Court.

DATE DEATH PENALTY TO BE IMPOSED: To be set after mandatory Appeal as provided by Statute

Fine:	Court Costs: 529.00	Restitution:	<u>Restitution Payable to:</u>
\$-0-	SEE ATTACHED BILL OF COST	\$-0-	N/A

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

Time Credited:	<u>If Defendant is to serve sentence in TDCJ enter incarceration periods in chronological order.</u> From 10/03/2013 to 06/26/2019 <u>If Defendant is to serve sentence in county jail, or is given credit toward fine and costs, enter days credited below.</u> NO DAYS
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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 Nueces County, Texas. The State appeared by her District Attorney.

Defendant appeared in person with counsel.

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 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 of "Guilty" in the presence of Defendant and Defense Counsel.

The Court received the verdict and **ORDERED** it entered upon the minutes of the Court.

Punishment Assessed by Jury:

Defendant entered a plea and the jury, as required by law, assessed punishment.

The Defendant having been found guilty of Capital Murder by the verdict of the jury and thereupon further evidence being heard by the jury on the special issues pertaining to punishment, the Court again charged the jury as provided by law on the following special issues:

SPECIAL ISSUE NO. 1

Is there a probability that the Defendant, Gary David Green, would commit criminal acts of violence that would constitute a continuing threat to society?

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

The jury after hearing evidence and arguments of counsel, retired in charge of the proper officer to consider their verdict and afterwards were brought into open Court by the proper officer; the Defendant and his counsel being present and in due form of law returned in open Court the following verdict, which was received by the Court and is here and now entered upon the minutes of the Court, to wit:

ANSWER TO SPECIAL ISSUE NUMBER 1:

We, the Jury, unanimously find and determine beyond a reasonable doubt that the answer to Special Issue No. 1 is "YES."

ANSWER TO SPECIAL ISSUE NUMBER 2:

We, the Jury, unanimously find and determine that the answer to Special Issue No. 2 is "NO."

JURY CERTIFICATE

We, the Jury, return in open Court the above answer or answers as our answer or answers to the special issue or special issues submitted to us, and the same is our verdict in this case.

IT IS THEREFORE considered and adjudged by the Court that the said Defendant is guilty of the offense of Capital Murder, as charged in the Indictment, a Capital Felony, and that the said Defendant committed said offense on or about the 2nd day of October, 2013, 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.

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 Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment:

Confinement in the Institutional Division or **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. The Court ORDERS the Defendant to be confined for the period and in the manner indicated above. The court ORDERS the Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence.

Execution/Suspension of Sentence:

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.

Furthermore, the following special findings or orders apply:

Except for the component of court costs that is attorney fees, Defendant is ordered to pay the fine, court costs and restitution in the amounts specified above.

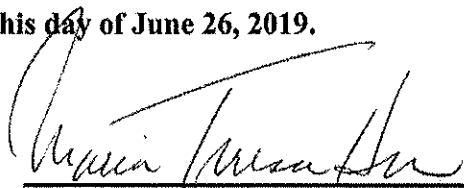
The Defendant shall submit a blood sample or other specimen, such as a Buccal swab, within one week of sentencing, to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record.

During the period of confinement or imprisonment, the Defendant is not to contact the victim's family, either directly or indirectly, or by any other means; pursuant to Tex. Code Crim. Proc. Art. 42.24.

Victim Impact Statements were returned to the Attorney representing the State.

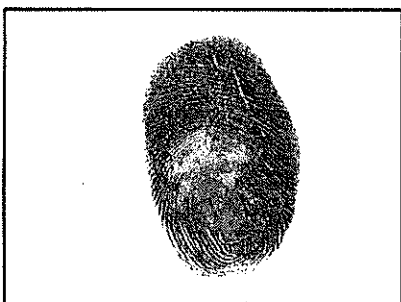
"Attachment A" Order to Withdraw Funds is incorporated into this Judgment.

Rendered on the 26th day of June, 2019, and signed this day of June 26, 2019.



Hon. Maria Teresa Herr
PRESIDING JUDGE

Defendant's Right Thumb Print



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CAUSE NO. 19FC-1013C

THE STATE OF TEXAS

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94TH JUDICIAL DISTRICT

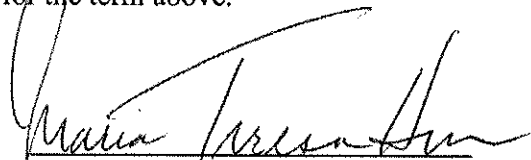
NUECES COUNTY, TEXAS

COMMITMENT TO INSTITUTIONAL DIVISION - TDCJ
UPON JUDGMENT AND SENTENCE
FOR FELONY OFFENSE

WHEREAS on the 26th day of June, 2019, the Court sentenced the above named defendant to confinement in the Institutional Division of the Texas Department of Criminal Justice to await execution of the Death sentence for the felony offense of **CAPITAL MURDER**;

IT IS THE ORDER of the Court that the said defendant be and is, hereby, committed to the custody to the Sheriff of Nueces County, Texas who shall execute the orders of this Court by safely conveying and delivering the defendant to the Institutional Division of the Texas Department of Criminal Justice there to be confined for the term above.

Dated: June 26, 2019



Hon. Maria Teresa Herr
PRESIDING JUDGE

ANNE LORENTZEN, DISTRICT CLERK
ANNE LORENTZEN, DISTRICT CLERK
DISTRICT COURTS / COUNTY COURTS AT LAW
P.O. BOX 2987
CORPUS CHRISTI, TX 78403

By:  Deputy
VICTORIA RADKE

