



CAUSE NO. A-18-1665-CR COUNT NO. ONE

INCIDENT NO. /TRN: 9256237598 TRS: A001

THE STATE OF TEXAS

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IN THE 70TH DISTRICT COURT

v.

OF

JOEL LUNA

ECTOR COUNTY, TEXAS

STATE ID No.: TX TX-17453374

**JUDGMENT OF CONVICTION BY JURY**

Judge Presiding:	<b>DENN WHALEN</b>	Date Sentence Imposed:	<b>11-17-2021</b>
Attorney for State:	<b>KORTNEY WILLIAMS ELIZABETH HOWARD</b>	Attorney for Defendant:	<b>JASON LEACH LATAWN WHITE</b>

Offense for which Defendant Convicted:

**CAPITAL MURDER INDIVIDUAL UNDER AGE TEN**

<u>Charging Instrument:</u>	<u>Statute for Offense:</u>
<b>INDICTMENT</b>	<b>19.03(a)(8) Penal Code</b>

<u>Date of Offense:</u>	<u>Plea to Offense:</u>
<b>06/19/2018</b>	<b>NOT GUILTY</b>

<u>Degree of Offense:</u>
<b>CAPITAL FELONY</b>

<u>Verdict of Jury:</u>	<u>Findings on Deadly Weapon:</u>
<b>GUILTY</b>	<b>N/A</b>

1 <sup>st</sup> Enhancement Paragraph:	<b>N/A</b>	Finding on 1 <sup>st</sup> Enhancement Paragraph:	<b>N/A</b>
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2 <sup>nd</sup> Enhancement Paragraph:	<b>N/A</b>	Finding on 2 <sup>nd</sup> Enhancement Paragraph:	<b>N/A</b>
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<u>Punishment Assessed by:</u>	<b>JURY</b>	<u>Date Sentence Commences:</u> (Date does not apply to confinement served as a condition of community supervision.)	<b>11-17-2021</b>
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<u>Punishment and Place of Confinement:</u>	<b>LIFE WITHOUT PAROLE TDCJ, CORRECTIONAL INSTITUTIONS DIVISION</b>
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**THIS SENTENCE SHALL RUN: CONCURRENTLY WITH A-18-1666-CR.**

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR  
 (The document setting forth the conditions of community supervision is incorporated herein by this reference.)

Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.  
 (For sex offender registration purposes only) The age of the victim at the time of the offense was **N/A**.

<u>Fines:</u>	<u>Restitution:</u>	<u>Restitution Payable to:</u>
<b>\$ 0.00</b>	<b>\$ 0.00</b>	(See special finding or order of restitution which is incorporated herein by this reference.)

<u>Court Costs:</u>	<u>Reimbursement Fees:</u>
<b>\$ 290.00</b>	<b>\$ 165.00</b>

Was the victim impact statement returned to the attorney representing the State? **NO**

(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? **N/A**

Total Jail

Time Credit: If Defendant is to serve sentence in county jail or is given credit toward the fine and costs, enter days credited below.

1248 DAYS

N/A DAYS

NOTES: N/A

This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

**Counsel / Waiver of Counsel (select one)**

- Defendant appeared with counsel.  
 Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.  
 Defendant was tried in absentia.

Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn, 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 in the presence of Defendant and defense counsel, if any.

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

**Punishment Assessed by Jury / Court / No election (select one)**

- Jury.** Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.  
 **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.  
 **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

In accordance with the jury's verdict, the Court **ADJUDGES** Defendant **GUILTY** of the above offense. The Court **FINDS** that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court **ORDERS** Defendant punished in accordance with the jury's verdict or Court's findings as to the proper punishment as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court **ORDERS** Defendant to pay the fines, court costs, reimbursement fees, and restitution as indicated above and further detailed below.

**Punishment Options (select one)**

- Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court **ORDERS** Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions in this paragraph. Upon release from confinement, the Court **ORDERS** Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fines, court costs, reimbursement fees, and restitution due.  
 **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court **ORDERS** Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fines, court costs, reimbursement fees, and restitution due.  
 **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, reimbursement fees, and restitution ordered by the Court in this cause.  
 **Confinement as a Condition of Community Supervision.** The Court **ORDERS** Defendant confined \_\_\_\_\_ days in \_\_\_\_\_ as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

**Fines Imposed Include (check each fine and enter each amount as pronounced by the court):**

- General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, Transp. Code, or other Code) \$ 0.00 (not to exceed \$10,000)  
 Add'l Monthly Fine for Sex Offenders (Art. 42A.653, Code Crim. Proc.) \$ \_\_\_\_\_ (\$5.00/per month of community supervision)

- Child Abuse Prevention Fine (Art. 102.0186, Code Crim. Proc.) \$ (\$100)
- EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) \$ (\$100)
- Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) \$ (\$100)
- Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) \$ (\$50)
- State Traffic Fine (§ 542.4031, Transp. Code) \$ (\$50)
- Children's Advocacy Center Fine - as Cond of CS (Art. 42A.455, Code Crim. Proc.) \$ (not to exceed \$50)
- Repayment of Reward Fine (Art. 37.073/42.152, Code Crim. Proc.) \$ (To Be Determined by the Court)
- Repayment of Reward Fine - as Cond of CS (Art. 42A.301 (b) (20), Code Crim. Proc.) \$ (not to exceed \$50)
- DWI Traffic Fine (a/k/a Misc. Traffic Fines) (§ 709.001, Transp. Code) \$ (not to exceed \$6,000)

**Execution of Sentence**

The Court **ORDERS** Defendant's sentence **EXECUTED**. The Court **FINDS** that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

**Furthermore, the following special findings or orders apply:**

- The Court enters an affirmative finding that Defendant's offense involved family violence, as defined by Section 71.004, Family Code.
- Defendant agrees to forfeit to the Ector County District Attorney's Office the weapon(s) in <agency name > <case number> to wit: <Description of weapon>

Date Judgment Entered: *November 17, 2021*

*X*   
 DENN WHALEN - JUDGE PRESIDING