



CASE No. 1648480 Count 1
INCIDENT No./TRN: 9300830775

THE STATE OF TEXAS	§	IN THE CRIMINAL DISTRICT COURT No. 4
	§	
vs.	§	
	§	
MAURICE KELSO SMITH	§	TARRANT COUNTY, TEXAS
	§	
SID: 07427340	§	ON CHANGE OF VENUE FROM: N/A

JUDGMENT OF CONVICTION BY JURY – CAPITAL MURDER

Judge Presiding:	• Hon. Bob Brotherton	Date Sentence Imposed:	3/4/2024
Attorney for State:	• BANGS, ALLENA - 24054153 • HINOJOSA, KATE - 24104208	Attorney for Defendant:	• SMART, GARY - 18521500 • GEBHARDT, STEVE - 24050649

Offense for Which Defendant Convicted:
09990026 CAPITAL MURDER OF MULTIPLE PERSONS (19.03(a)(7)) - FX

<u>Charging Instrument:</u>	<u>Statute for Offense:</u>
Indictment	19.03(a)(7)
Date of Offense: 6/29/2020 <input type="checkbox"/>	Plea to Offense: Not Guilty

Degree of Offense:
CAPITAL MURDER

<u>Verdict of Jury:</u> GUILTY	<u>Findings on Deadly Weapon:</u> Yes, A Firearm
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<u>Punished Assessed by:</u> Judge	<u>Date Sentence to Commences:</u> 3/4/2024
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Punishment and Place of Confinement: **LIFE WITHOUT PAROLE ID-TDCJ: Confinement**

<u>Court Costs:</u> \$ 290.00	<u>Reimbursement Fees:</u> \$ 5.00
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<u>Restitution:</u> \$ 0	<u>Restitution Payable to:</u> N/A (See special finding or order of restitution which is incorporated herein by this reference.)
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Was the victim impact statement returned to the attorney representing the State? **Yes**

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.

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. 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 Defendant's guilt or innocence, 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.

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



The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the special issues set out in the jury charge. After due deliberation, the jury was brought into open court, where it returned its answers to the special issues as indicated below:

(1) The jury found beyond a REASONABLE DOUBT that there is a probability that defendant would commit criminal acts of violence that would constitute a continuing threat to society.

- Yes (unanimous)
- No (by at least 10 jurors)

(2) The jury found beyond a REASONABLE DOUBT that considering 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 without parole rather than a death sentence be imposed?

- Yes (by at least 10 jurors)
- No (unanimous)

Special Issues to be included if necessary:

(If Defendant is found GUILTY as a party under TEX. PEN. CODE §§ 7.01; 7.02)

The jury found beyond a REASONABLE DOUBT that the defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken.

- Yes (unanimous)
- No (by at least 10 jurors)

(If Defendant has a mental impairment or defect)

The jury found from a PREPONDERANCE OF THE EVIDENCE that defendant is a person with:

- Mental Illness**
- Mental Retardation**

The Court **FINDS** Defendant committed the above offense and **ADJUDGES** Defendant **GUILTY** of the above offense.

The Court **ORDERS** Defendant punished as indicated above. The Court **FINDS** that the State of Texas is entitled to recover all costs and fees associated with the prosecution of this case from Defendant and may issue execution to recover the same.

Punishment Options

Confinement in Institutional Division. The Court **ORDERS** the authorized agent of the State of Texas or the County Sheriff to take, safely convey, 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 Sheriff until the Sheriff can obey the directions of this judgment. The Court **ORDERS** TDCJ to make withdrawals from Defendant's inmate account as such funds become available. TDCJ is hereby notified that Defendant has been ordered to pay court costs, reimbursement fees, and restitution as indicated above. The Court **ORDERS** TDCJ to make withdrawals from Defendant's inmate account as such funds become available to pay said court costs, reimbursement fees, and restitution until said amounts are paid in full. Any restitution ordered above shall be paid to the individual or agency indicated above. The withdrawals and payments shall be made in accordance with Section 501.014, Tex. Gov't Code, and TDCJ's policies and procedures, to the extent that such policies and procedures are consistent with Sec. 501.014.

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 OF THE CORRECTIONAL INSTITUTIONS DIVISION, TDCJ**. Defendant shall be confined in said Institutions Division in accordance with the provisions of the law governing TDCJ until a date of execution of the said Defendant is imposed by this Court after receiving the mandate of affirmance from the Court of Criminal Appeals of the State of Texas. The Court **Orders** Defendant remanded to the custody of the Sheriff of this County until the Sheriff can obey the directions of this judgment.

Execution

The Court **ORDERS** Defendant's sentence **EXECUTED**.

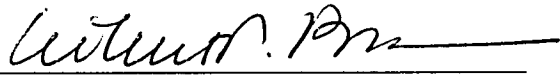
After having conducted an inquiry into Defendant's ability to pay, the Court **ORDERS** Defendant to pay the court costs, reimbursement fees, and restitution indicated above.



Furthermore, the following special findings or orders apply:

Special Finding
HABITUAL OFFENDER NOTICE - WAIVED BEFORE PLEA
ATTACHMENT A, ORDER TO WITHDRAW FUNDS.
NOTICE OF APPEAL FILED: MARCH 4, 2024

Date Judgment Entered: 03/04/2024

x 
BOB BROTHERTON, PRESIDING JUDGE
Sitting by Assignment



CASE NO. 1648480 COUNT 1
INCIDENT NO./TRN: 9300830775

THE STATE OF TEXAS

§

IN THE CRIMINAL DISTRICT COURT NO.
4

V.

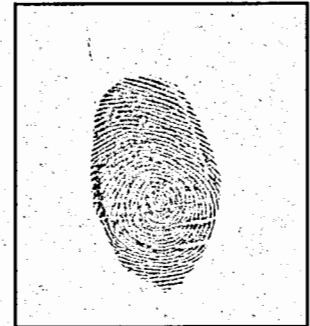
§

MAURICE KELSO SMITH
STATE ID NO. 07427340

§

TARRANT COUNTY, TEXAS
Date: 3/4/2024

§



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Officer Signature Placeholder
[Handwritten Signature]
Officer Signature

JUDGMENT AND SENTENCE
FINGERPRINT PAGE



THOMAS A. WILDER
Tarrant County District Clerk
Tim Curry Criminal Justice Center
401 W. Belknap, 3rd Floor
Fort Worth, TX 76196-0402

BILL OF COSTS

CASE NUMBER: 1648480

THE STATE OF TEXAS § IN THE CRIMINAL DISTRICT COURT NO. 4
v. §
MAURICE KELSO SMITH § TARRANT COUNTY, TEXAS
§

COURT COST BREAKDOWN

Court Costs	Transaction ID	Amount
State Consolidated Court Cost - LGC § 133.102(a)(1)	000230	\$185.00
Local Consolidated Court Cost - LGC § 134.101(a)	000231	\$105.00

Total Court Costs 290.00

REIMBURSEMENT FEE BREAKDOWN

Fees	Transaction ID	Amount
Peace Officer: Summon Jury - CCP, art. 102.011(a)(7) Reim	000232	\$5.00

Total Reimbursement Fees 5.00

DISTRICT COURT OF TARRANT COUNTY, TEXAS

I hereby certify that the foregoing is a correct account of the Court Costs adjudged against the Defendant in the above entitled and numbered case number, up to 3/4/2024



Deputy, /s/ Reid, Stacey

THOMAS A. WILDER
District Clerk,
Tarrant County, Texas

THE STATE OF TEXAS

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IN THE CRIMINAL DISTRICT COURT NO. 4

V.

MAURICE KELSO SMITH

ALIAS

SMITH, MAURICE

TARRANT COUNTY, TEXAS

ORDER TO WITHDRAW FUNDS

TO: INMATE TRUST ACCOUNT, TEXAS DEPARTMENT OF CRIMINAL JUSTICE

COPY TO: MAURICE KELSO SMITH Alias SMITH, MAURICE TDCJ#:<#TDCJNumber#> SID#: 07427340

GREETINGS:

The above-named defendant currently has incurred court fees and costs in the District Court of Tarrant County, Texas, as above entitled and represented in the certified Judgment and Bill of Costs attached hereto in the amount of \$295.00

THE COURT ORDERS that payment be made out of the Offender’s Inmate Trust Account as follows:

Pay an initial amount equal to the lesser of:

- (1) 15% of the account balance up to and including \$100, plus 25% of any portion of the account balance that is between \$100.01 and \$500 inclusive, plus 50% of any portion of the account balance that is more than \$500; or
- (2) The total amount of court costs, fees and/or fines and/or restitution that remains unpaid.

After the payment of the initial amount, the offender shall pay an amount equal to the lesser of:

- (1) 10% of each deposit in the Offender’s Inmate Trust Account; or
- (2) The total amount of court costs, fees and/or fines and/or restitution that remains unpaid.

Payments are to continue until the total amount of the court costs, fees and/or fines and/or restitution are paid, or the offender is released from confinement.

On receipt of a copy of this Judgment, the department (Inmate Trust Account) shall withdraw money from the trust account of the offender, hold same in a separate account, and shall forward said money to the Tarrant County District Clerk District Clerk, 401 W. Belknap Street, Fort Worth, Texas 76196 on the earlier of the following dates:

- (1) Monthly
- (2) The date the total amount to be forwarded equals the total amount which remains unpaid; or
- (3) The date the offender is released.

THE COURT ENTERS THIS ORDER as a part of the Judgment and Sentence of this Court and pursuant to **Government Code, Section 501.014**, on March 04, 2024.

NAME MAURICE KELSO SMITH

RACE Black SEX Male AGE 28 DOB 1/1/1992

CASE NO. 1648480

CID NO. 0745496

OFFENSE CAPITAL MURDER OF MULTIPLE PERSONS

OFFENSE DATE 6/29/2020

I.P. DARIONNE BURLEY, TWIN A, TWIN B

AGENCY MANSFIELD PD

CRIMINAL DISTRICT COURT NO. 4

THE STATE OF TEXAS VS. MAURICE KELSO SMITH

INDICTMENT NO: 1648480D

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS, DULY ELECTED, TRIED, EMPANELED, SWORN, AND CHARGED TO INQUIRE OF OFFENSES COMMITTED IN TARRANT COUNTY, IN THE STATE OF TEXAS, UPON THEIR OATHS, DO PRESENT IN AND TO THE 432nd DISTRICT COURT, OF THE SAID COUNTY

THAT MAURICE KELSO SMITH, HEREINAFTER CALLED DEFENDANT, ON OR ABOUT THE 29TH DAY OF JUNE 2020, IN THE COUNTY OF TARRANT, STATE OF TEXAS, DID INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, DARIONNE BURLEY BY SHOOTING HER WITH A FIREARM AND DID INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, TWIN A, BY SHOOTING DARIONNE BURLEY WITH A FIREARM, AND DID INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, TWIN B, BY SHOOTING DARIONNE BURLEY WITH A FIREARM, AND THE MURDERS WERE COMMITTED DURING THE SAME CRIMINAL TRANSACTION,

COUNT TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 29TH DAY OF JUNE, 2020, DID INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, DARIONNE BURLEY, BY SHOOTING HER WITH A FIREARM,

PARAGRAPH TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 29TH DAY OF JUNE, 2020, DID INTENTIONALLY, WITH THE INTENT TO CAUSE SERIOUS BODILY INJURY TO DARIONNE BURLEY, COMMIT AN ACT CLEARLY DANGEROUS TO HUMAN LIFE, NAMELY, SHOOTING HER WITH A FIREARM, AND THEREBY CAUSED THE DEATH OF DARIONNE BURLEY,

COUNT THREE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 29TH DAY OF JUNE, 2020, DID INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, TWIN A, BY SHOOTING DARIONNE BURLEY WITH A FIREARM,

PARAGRAPH TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN

THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 29TH DAY OF JUNE, 2020, DID INTENTIONALLY, WITH THE INTENT TO CAUSE SERIOUS BODILY INJURY TO TWIN A, COMMIT AN ACT CLEARLY DANGEROUS TO HUMAN LIFE, NAMELY, SHOOTING DARIONNE BURLEY WITH A FIREARM, AND THEREBY CAUSED THE DEATH OF TWIN A,

COUNT FOUR: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 29TH DAY OF JUNE, 2020, DID INTENTIONALLY OR KNOWINGLY CAUSE THE DEATH OF AN INDIVIDUAL, TWIN B, BY SHOOTING DARIONNE BURLEY WITH A FIREARM,

PARAGRAPH TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 29TH DAY OF JUNE, 2020, DID INTENTIONALLY, WITH THE INTENT TO CAUSE SERIOUS BODILY INJURY TO TWIN B, COMMIT AN ACT CLEARLY DANGEROUS TO HUMAN LIFE, NAMELY, BY SHOOTING DARIONNE BURLEY WITH A FIREARM, AND THEREBY CAUSED THE DEATH OF TWIN B,

COUNT FIVE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 29TH DAY OF JUNE, 2020, DID COMMITTED OR ATTEMPTS TO COMMIT A FELONY, NAMELY, ROBBERY, AND IN THE COURSE OF AND IN FURTHERANCE OF THE COMMISSION OR ATTEMPT OR IN IMMEDIATE FLIGHT FROM THE COMMISSION OR ATTEMPT, HE COMMITS OR ATTEMPTS TO COMMIT AN ACT CLEARLY DANGEROUS TO HUMAN LIFE, NAMELY, BY SHOOTING DARIONNE BURLEY WITH A FIREARM WHICH CAUSED THE DEATH OF DARIONNE BURLEY,

COUNT SIX: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 29TH DAY OF JUNE, 2020, DID COMMITTED OR ATTEMPTS TO COMMIT A FELONY, NAMELY, ROBBERY, AND IN THE COURSE OF AND IN FURTHERANCE OF THE COMMISSION OR ATTEMPT OR IN IMMEDIATE FLIGHT FROM THE COMMISSION OR ATTEMPT, HE COMMITS OR ATTEMPTS TO COMMIT AN ACT CLEARLY DANGEROUS TO HUMAN LIFE, NAMELY, BY SHOOTING DARIONNE BURLEY WITH A FIREARM WHICH CAUSED THE DEATH OF TWIN A,

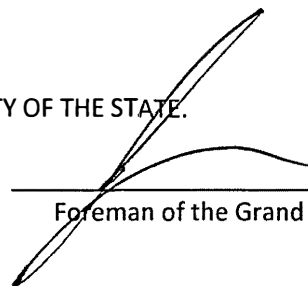
COUNT SEVEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 29TH DAY OF JUNE, 2020, DID COMMITTED OR ATTEMPTS TO COMMIT A FELONY, NAMELY, ROBBERY, AND IN THE COURSE OF AND IN FURTHERANCE OF THE COMMISSION OR ATTEMPT OR IN IMMEDIATE FLIGHT FROM THE COMMISSION OR ATTEMPT, HE COMMITS OR ATTEMPTS TO COMMIT AN ACT CLEARLY DANGEROUS TO HUMAN LIFE, NAMELY, BY SHOOTING DARIONNE BURLEY WITH A FIREARM WHICH CAUSED THE DEATH OF TWIN B,

HABITUAL OFFENDER NOTICE: AND IT IS FURTHER PRESENTED TO SAID COURT THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF UNLAWFUL POSSESSION OF A FIREARM, IN THE 213TH DISTRICT COURT OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1559590D, ON THE 21ST DAY OF FEBRUARY 2019, AND, THAT PRIOR TO THE COMMISSION OF THE OFFENSE OR OFFENSES FOR WHICH

MAURICE KELSO SMITH
1648480
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THE DEFENDANT WAS CONVICTED AS SET OUT ABOVE, THE DEFENDANT WAS FINALLY CONVICTED OF THE FELONY OFFENSE OF BURGLARY OF A HABITATION, IN THE 372ND DISTRICT COURT OF TARRANT COUNTY, TEXAS, IN CAUSE NUMBER 1352023D, ON THE 23RD DAY OF JANUARY 2017,

AGAINST THE PEACE AND DIGNITY OF THE STATE.



Foreman of the Grand Jury

GRAND JURY TESTIMONY ON 07/29/2020
CARMELL SMITH

FILED
TARRANT COUNTY
7/29/2020 1:00PM
THOMAS A. WILDER
DISTRICT CLERK
LER