



CASE NO. 401-82879-2016

COUNT SINGLE

INCIDENT No./TRN: 9229760196/A001

THE STATE OF TEXAS

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IN THE 401ST JUDICIAL
DISTRICT COURT
COLLIN COUNTY, TEXAS

Filed: February 7, 2018 8:54 AM
Lynne Finley
District Clerk
Collin County, Texas
By: Woods, Jaime Deputy

V.

MICHAEL ERIC PENNINGTON

STATE ID No.: TX05687145

JUDGMENT OF CONVICTION BY JURY

Judge Presiding: **HON. MARK RUSCH** Date Judgment Entered: **02/01/2018**

Attorney for State: **ABIGAIL NETTLES-POLICASTRO** Attorney for Defendant: **EDWIN KING V**

Offense for which Defendant Convicted:
CAPITAL MURDER BY TERROR THREAT/OTHER FELONY

Charging Instrument: **INDICTMENT** Statute for Offense: **19.03(a)(2) Penal Code**

Date of Offense: **07/04/2016**

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

Verdict of Jury: **GUILTY** Findings on Deadly Weapon: **YES, NOT 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** Date Sentence Imposed: **2/1/2018** Date Sentence to Commence: **2/1/2018**

Punishment and Place of Confinement: **LIFE WITHOUT PAROLE INSTITUTIONAL DIVISION, TDCJ**

Fine: **\$ 0.00** Court Costs: **\$ 344.00** Restitution: **\$ 0.00** Restitution Payable to: VICTIM (see below) AGENCY/AGENT (see below)

THE CONFINEMENT ORDERED SHALL RUN CONCURRENTLY.

THE FINE ORDERED SHALL RUN CONCURRENTLY.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR _____ YEARS.

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 **N/A years.**

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.
From **07/04/2016** to **02/01/2018** 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 **Collin** 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.

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 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.
- Automatic Life Without Parole.** The Defendant, having been found guilty by a jury of the offense of Capital Murder, and the State having waived the death penalty, the Court Assessed Defendant’s punishment at Life Without Parole pursuant to Tex. Pen. Code §12.31(a)(2).

The Court **FINDS** Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court **FINDS** the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

- Confinement in State Jail or Institutional Division.** 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** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Collin County District Clerk. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.
- County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of **Collin** County, Texas on the date the sentence is to commence. Defendant shall be confined in the **Collin** County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Collin County District Clerk. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.
- Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the **Collin** County . Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.



Execution / Suspension of Sentence (select one)

- The Court **ORDERS** Defendant's sentence **EXECUTED**.
- The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Following the disposition of this cause, the defendant's fingerprints were, in open court, placed upon a Judgment Certificate of Defendant's Prints. Said Certificate is attached hereto and is incorporated by reference as a part of this Judgment.

Furthermore, the following special findings or orders apply:

The Court **FINDS** Defendant used or exhibited a deadly weapon, namely, a knife, during the commission of a felony offense or during immediate flight therefrom or was a party to the offense and knew that a deadly weapon would be used or exhibited. **TEX. CODE CRIM. PROC. art. 42.12 §3g.**

Signed on February 7, 2018


Judge Presiding

PRINTED NAME
If sitting for Presiding Judge



Clerk: