



CASE NO. 14-CR-0694-H COUNT 1-2  
INCIDENT NO./TRN: 9193180349

THE STATE OF TEXAS

V.

BRENDAN GAYTAN

STATE ID No.: TX06460814

§ IN THE 347TH DISTRICT  
§  
§ COURT  
§  
§ NUECES COUNTY, TEXAS  
§  
§

**JUDGMENT OF CONVICTION BY JURY**

Judge Presiding:	HON. MISSY MEDARY	Date Judgment Entered:	2/26/2015
Attorney for State:	DOUGLAS MANN KELLI PALMAROZZI	Attorney for Defendant:	RICK ROGERS ERIC PERKINS
Offense for which Defendant Convicted: <b>COUNTS 1-2: CAPITAL MURDER</b>			
Charging Instrument: <b>INDICTMENT</b>		Statute for Offense: <b>TEXAS PENAL CODE SECTION 19.03</b>	
Date of Offense: <b>2/16/2014</b>			
Degree of Offense: <b>CAPITAL FELONY</b>		Plea to Offense: <b>NOT GUILTY</b>	
Verdict of Jury: <b>GUILTY</b>		Findings on Deadly Weapon: <b>YES, A FIREARM</b>	
Plea to 1 <sup>st</sup> Enhancement Paragraph:	<b>N/A</b>	Plea to 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	<b>N/A</b>
Findings on 1 <sup>st</sup> Enhancement Paragraph:	<b>N/A</b>	Findings on 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	<b>N/A</b>
Punished Assessed by:	<b>JURY</b>	Date Sentence Imposed:	<b>2/26/2015</b>
		Date Sentence to Commence:	<b>2/26/2015</b>
Punishment and Place of Confinement:	<b>LIFE WITHOUT PAROLE</b>		

THIS SENTENCE SHALL RUN CONCURRENTLY.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A .

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$	\$	\$	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

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 .

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited:	364 days	From 2-28-14 to 2-26-15	From	to	From	to	364 days; TDCJ
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If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: \_\_\_\_\_

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.

**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.

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 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 Parole Division, TDCJ. 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 County, Texas on the date the sentence is to commence. Defendant shall be confined in the County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the . 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 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.

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

Pursuant to article 42.12, Section 3g, Code of Criminal Procedure & HB156 (77R) the court affirmatively finds that the Defendant used or exhibited a deadly weapon, namely, A FIREARM, 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.

Signed and entered on March 6, 2015.

JUDGE PRESIDING