



CASE NO. 416-82415-07 SINGLE COUNT

INCIDENT NO./TRN: 9097152585 TRS: A002

THE STATE OF TEXAS

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IN THE 416TH JUDICIAL

v.

DISTRICT COURT

RAUL CORTEZ

COLLIN COUNTY, TEXAS

STATE ID NO.: TX 07997914

JUDGMENT OF CONVICTION BY JURY
SENTENCE BY JURY TO DEATH

Judge Presiding:	HON. WEBB BIARD	Date Judgment Entered:	February 2, 2009
Attorney for State:	Gregory Davis, Michelle Voirin and Chris Milner	Attorney for Defendant:	John G. Tatum, Richard Franklin and Doug Parks

Offense for which Defendant Convicted:
Capital Murder

Charging Instrument:	INDICTMENT	Statute for Offense:	Section 19.03(a)(2) Penal Code
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Date of Offense:
March 12, 2004

Degree of Offense:	Capital Felony	Plea to Offense:	NOT GUILTY
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Verdict of Jury:	GUILTY	Findings on Deadly Weapon:	YES, A FIREARM
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Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A

Punished Assessed by:	JURY	Date Sentence Imposed:	February 2, 2009	Date Sentence to Commence:	February 2, 2009
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Punishment and Place of Confinement: **DEATH**

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

Fine:	\$0	Court Costs:	\$ 343.00	Restitution:	\$0	Restitution Payable to:	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)
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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 ____ to ____ From ____ to ____ From ____ to ____

From ____ to ____ From ____ to ____ From ____ to ____

Time Credited:

RECEIVED
FEB 09 2009
OFFICE OF
COURT ADMINISTRATION



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.

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.

And on the 2nd day of February, 2009 this cause being again called, the State appeared by her Criminal District Attorney in Collin County, Texas and the defendant, **RAUL CORTEZ**, appeared in person, his counsel also being present, and the same jury being called to assess the punishment, evidence was presented to the same jury in the matter of assessing punishment. The same jury after hearing all the evidence presented by the State and the defendant for purpose of assessing punishment, and having heard argument of counsel, again retired in charge of the proper office to consider their verdict, and afterward were again brought into court by the proper officer, the defendant and his counsel being present, and in due form of law returned into open court the following verdict, which was received by the Court and is herenow entered upon the minutes of court, to-wit:

SPECIAL ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant, **RAUL CORTEZ**, would commit criminal acts of violence that would constitute a continuing threat to society?

ANSWER: YES



SPECIAL ISSUE NO. 2

Do you find from the evidence beyond a reasonable doubt that the defendant, **RAUL CORTEZ**, actually caused the death of Austin York or did not actually cause the death of Austin York, but intended to kill Austin York or another or anticipated that a human life would be taken?

ANSWER: YES

SPECIAL ISSUE NO. 3

Do you find from the evidence, 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, **RAUL CORTEZ**, that there is a sufficient mitigating circumstance or circumstances to warrant a sentence of life imprisonment rather than a death sentence be imposed?

ANSWER: NO

We, the jury, return in open Court the above answers to the Special Issues submitted to us, and the same is our verdict in this case.

FEBRUARY 2, 2009
DATE

WARREN KASSEL
PRESIDING JUROR

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.
- 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 **District Clerk**. 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.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the said Defendant, **RAUL CORTEZ**, is guilty of the offense of **CAPITAL MURDER** and that the Defendant committed the said offense on the **12th day of March, 2004** and that the punishment of the said Defendant is fixed, as set by law, at **DEATH** and that the State of Texas do have and recover of and from the said Defendant all costs in this proceeding incurred for which let execution issue.



And the Defendant being asked by the Court if sufficient reason existed why the sentence of this Court should not be pronounced, failed to give such reason; whereupon the Court proceeded, in the presence of the said Defendant and his attorney to pronounce sentence as follows:

WHEREAS, the Defendant, **RAUL CORTEZ**, has been adjudged guilty of the offense of **CAPITAL MURDER** by the jury and the jury having further answered that there is a probability that the defendant, **RAUL CORTEZ**, would commit criminal acts of violence that would constitute a continuing threat to society, the jury having further answered that the defendant actually caused the death of the victim or did not actually cause the death of the victim but intended to kill the victim or another or anticipated that a human life would be taken, and the jury having further answered after 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, that there is **NO** sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed.

IT IS THE ORDER AND SENTENCE OF THIS COURT that you, **RAUL CORTEZ**, having been adjudged to be guilty of capital murder and whose punishment has been assessed by the verdict of the jury and the judgment of this Court at Death, shall be remanded to the custody of the Sheriff of Collin County and transported to and kept in custody by the Director of the Institutional Division of the Texas Department of Criminal Justice, until some future date to be determined later, upon which day, at some hour after 6:00 p.m., in a room arranged for the purpose of execution, the said Director, acting by and through the executioner designated by said Director as provided by law, **IS HEREBY COMMANDED, ORDERED AND DIRECTED** to carry out this sentence of death by intravenous injection of a substance or substances in a lethal quantity sufficient to cause your death and until you are dead, such procedure to be determined and supervised by the said Director of the Institutional Division of the Texas Department of Criminal Justice.

The Clerk of this Court shall issue this Order of Execution and Death Warrant and deliver the same to the Sheriff of Collin County, Texas, who is hereby **ORDERED**, upon receipt, to deliver the same to the Director of the Institutional Division of the Texas Department of Criminal Justice and make due return thereof showing that this Order of Execution and Death Warrant has been served and delivered as directed.

IT IS FINALLY ORDERED that the Director of the Institutional Division of the Texas Department of Criminal Justice shall endorse the Sheriff's return showing receipt of this Order of Execution and Death Warrant.

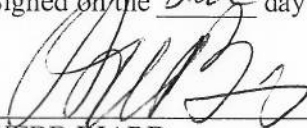
The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

It is further **ORDERED** that the cost to Collin County for the payment of this defendant's court-appointed attorney, if any, is taxed against this defendant as court cost. The District Clerk is granted leave to amend the court cost to reflect this amount without the necessity of a further order.

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:

Signed on the 3rd day of February, 2009



WEBB BIARD
416TH JUDICIAL DISTRICT COURT
COLLIN COUNTY, TEXAS



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JUDGMENT CERTIFICATE OF DEFENDANT'S PRINTS



Defendant's Right Thumb

Defendant's Hand

THIS IS TO CERTIFY THAT THE FINGERPRINTS ABOVE ARE THE ABOVE NAMED DEFENDANT'S FINGERPRINTS TAKEN AT THE TIME OF DISPOSITION OF THE ABOVE STYLED AND NUMBERED CAUSE.

DONE IN OPEN COURT ON THIS 3 DAY OF February, 2009.


SUPERVISION OFFICER/ BAILIFF/ DEPUTY SHERIFF

Indicate here if print other than the defendant's right thumb is placed in box:

- Left Thumbprint
- Left / Right Index Finger
- Other: _____