

No. 6997-A



THE STATE OF TEXAS

IN THE 47TH DISTRICT COURT

VS.

IN AND FOR

BRENT RAY BREWER

RANDALL COUNTY, TEXAS

JUDGMENT ON JURY VERDICT OF GUILTY
PUNISHMENT FIXED BY COURT OR JURY

Judge Presiding:	Honorable Hal Miner
Date of Judgment:	August 14, 2009
Attorneys for State (guilt/innocence):	Randall L. Sherrod and Gene A. Fristoe
Attorneys for Defendant (guilt/innocence):	C.R. Daffern and Kent Birdsong
Attorneys for State (punishment):	James A. Farren and Richard Gore
Attorneys for Defendant (punishment):	Ray Keith and Anthony Odiorne
Offense Convicted:	Capital Murder, Texas Penal Code Section 19.03 (a)(2)
Degree:	Capital felony
Date of Offense:	April 26, 1990
Charging Instrument:	Indictment
Plea:	n/a
Jury Verdict:	Guilty
Foreman(guilt/innocence):	Jimmy Myers
Foreman (punishment):	B. Pat Treat
Plea to Enhancement	
Paragraph(s):	n/a
Findings on Use of Deadly Weapon:	n/a
Punishment Assessed by:	Court pursuant to 37.0711(g) T.C.C.P.
Date Sentence Imposed:	August 14, 2009
Costs:	
Punishment and Place of Confinement:	Death Penalty, Texas Department of Criminal Justice Institutional Division
Date to Commence:	August 14, 2009
Time Credited:	5-7-90 to present date
Total Amount of Restitution/Reparation:	
Concurrent Unless Otherwise Specified.	

On the 28th day of May, 1991, this cause was called for trial, and the State appeared by her Criminal District Attorney, Randall L. Sherrod and Assistant Criminal District Attorney, Gene A. Fristoe, and the defendant, BRENT RAY BREWER appeared in person, in open court, his counsel, C.R. Daffern

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JO CARTER, DISTRICT CLERK
RANDALL COUNTY, TEXAS

DEPUTY

and Kent Birdsong, also being present, and the said defendant having been duly arraigned, and entered a plea of Not Guilty to the charge contained in the indictment herein, both parties announced ready for trial and thereupon a jury was selected and seated consisting of Jimmy Myers and eleven others who were duly sworn. Thereupon the amended indictment was read and the defendant entered his plea of Not Guilty to the following charge contained in the indictment and read to the jury by the State: Capital Murder.

All of the evidence was presented by both the State and the Defendant and the charge was read to the jury by the Court and thereupon the jury heard the arguments of both sides and retired in charge of the proper officer to consider the verdict, and afterward were brought into court by the proper officer, the defendant and his counsel being present, and returned into open court the following verdict which was received by the Court and is now entered upon the Minutes of the Court, to-wit:

"We, the jury, find the defendant, BRENT RAY BREWER guilty of the offense of capital murder, as alleged in the indictment.

/s/Jimmy Myers
Foreman of the Jury."

And on the 23rd day of June, 2009, this cause was again called. The State appeared by her Criminal District Attorney, James A. Farren and Assistant Criminal District Attorney, Richard Gore, and the defendant BRENT RAY BREWER, appeared in person, his attorneys, Ray Keith and Anthony Odiorne also being present, announced ready for trial. Thereafter, because the United States Supreme Court reversed the verdict of the original Jury as to punishment only, a new jury was selected and seated to assess the punishment, evidence was presented by the State and the defendant for the purpose of assessing punishment, and after having heard argument of counsel, retired in charge of the proper officer to consider their verdict, and afterward were

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 here now entered upon the minutes of the Court, to-wit:

SPECIAL ISSUE NO. 1

"Do you find from the evidence beyond a reasonable doubt that the conduct of the defendant, BRENT RAY BREWER, that caused the death of Robert Doyle Laminack was committed deliberately and with the reasonable expectation that the death of Robert Doyle Laminack or another would result?

Answer

We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "Yes."

/s/ B. Pat Treat
Foreperson of the Jury"

SPECIAL ISSUE NO. 2

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

Answer

We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "Yes."

/s/ B. Pat Treat
Foreperson of the Jury"

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, that there is a sufficient mitigating circumstance or circumstances to warrant

that a sentence of life imprisonment rather than a death sentence be imposed?

You are instructed that in answering this "Special Issue" that you shall answer the issue "Yes" or "No."

You may not answer this issue "No" unless you agree unanimously, and you may not answer this issue "Yes" unless ten (10) or more of you agree to do so.

Answer

We, the jury, unanimously find and determine that the answer to this Special Issue is "No."

/s/ B. Pat Treat
Foreperson of the Jury"

VERDICT

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.

/s/ B. Pat Treat
Foreperson of the Jury"

It is therefore, Considered and Adjudged by the Court that the defendant, BRENT RAY BREWER, is guilty of the offense of Capital Murder as found by the jury, and that the said defendant committed the offense of Capital Murder on the 26th day of April, 1990, and the jury having further answered that the conduct of the defendant that caused the death of the deceased was committed deliberately and with reasonable expectation that the death of the deceased or another would result, and that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society, and that there is not a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed, and the law providing, that on such jury findings the Court shall assess the death penalty to the defendant.

It is, therefore, the Order of the Court that the defendant be punished

by having the death penalty assessed against him, and he is remanded to the custody of the Sheriff of Randall County, Texas to be transported to the Texas Department of Criminal Justice Institutional Division, Huntsville, Texas, there to await the action of the Court of Criminal Appeals and the further orders of this Court.

SIGNED this the 15 day of September, 2009.

Hal M. ...
Judge Presiding

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