

No. CR09-066  
TRN 902648769X A001

STATE OF TEXAS	§	IN THE DISTRICT COURT,
v.	§	RUSK COUNTY, TEXAS
BLAINE KEITH MILAM SID 07972946	§	4TH JUDICIAL DISTRICT

**Judgment & Sentence**

Judge Presiding: J. Clay Gossett

Date of Judgment: May 27, 2010

Attorney for State: Micheal E. Jimerson, Lisa Tanner,  
Richard Kennedy, Carl Barber

Attorney Defendant: Rick Hagen, John Moore  
& Steven Jackson

Offense Convicted of: Capital Murder  
Degree: Capital felony death penalty accessed

Date Offense Committed: December 2, 2008

Charging Instrument: Indictment

Plea: Not Guilty

Terms of Plea Bargain: No plea bargain, defendant pleaded "not guilty" was tried and convicted by  
Jury Jury returned death penalty Mandatory Appeal to Court of Criminal Appeals

Plea to Enhancement Paragraph(s): NA  
Findings on Enhancement Paragraph(s): NA

Findings on Use of Deadly Weapon: Affirmative finding of deadly weapon (unknown to grand jury)  
as pleaded in Indictment

Costs: \$ 274.00

Punishment and Place of Confinement: death sentence-Defendant ordered held at TDCJ-ID until executed  
pursuant to law and judgment and sentence on this court

Date Death Penalty to be imposed: to be set after mandatory appeals as provided by statute

Total Amount of Restitution/Reparation: \$0.

Restitution Paid to: N/A

Concurrent Unless Otherwise Noted:

Time Credited: 541 days



Right Thumb

*J. Clay Gossett*  
J. Clay Gossett, Presiding Judge

Date Signed: June 8th, 2010

Judgment

This day this cause was called for trial and the state appeared by the Rusk County Attorney, Micheal E. Jimerson and Assistant Attorney General and Assistant District Attorney Lisa Tanner and the defendant BLAINE KEITH MILAM appeared in person, his counsel, Hon. Rick Hagen, also being present, and both parties announced ready for trial, and the defendant BLAINE KEITH MILAM in open court pleaded not guilty to the charge of capital murder contained in the indictment herein; THEREUPON a jury, to wit, Robert W. Wallace and eleven others, plus two alternate jurors, was duly selected, impaneled, and sworn, who, having heard the indictment read, and the defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the court, retired in charge of the proper officer to consider of their verdict, and afterward were brought into open 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:

"We, the jury, find the Defendant, BLAINE KEITH MILAM, "Guilty" of the offense of Capital Murder, as charged in the indictment.

*Robert W. Wallace*  
Foreman of the Jury"

Thereupon the defendant, BLAINE KEITH MILAM, being convicted of capital murder by the verdict of the Jury and thereupon further evidence being heard by the jury on the special issues pertaining to punishment, the Court again charged the jury as provided by the law on the following special issue:

Special Issue No. 1

Is there a probability that the defendant, BLAINE KEITH MILAM, would commit criminal acts of violence that would constitute a continuing threat to society?

Special Issue No. 2

Did the defendant, BLAINE KEITH MILAM, actually cause the death of the deceased or did not actually caused the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken?

Special Issue No. 3

Is the defendant, BLAINE KEITH MILAM, a person with mental retardation?

Special Issue No. 4

Taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, the mental impairment of the defendant that might not amount to mental retardation, if any, and the personal moral culpability of the defendant, is there sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

The jury, after hearing arguments of counsel, retired in charge of the proper officer to consider their verdict and afterwards were brought into open Court by the proper officer; the defendant BLAINE KEITH MILAM, 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 and now entered upon the minutes of the court, to-wit:

ANSWER TO SPECIAL ISSUE NO. 1:

We, the jury unanimously find and determine beyond a reasonable doubt that the answer to Special Issue No. 1 is "YES".

/s/ Robert W. Wallace, Foreman

ANSWER TO SPECIAL ISSUE NO. 2:

We, the jury unanimously find and determine beyond a reasonable doubt that the answer to Special Issue No. 2 is "YES".

/s/ Robert W. Wallace, Foreman

ANSWER TO SPECIAL ISSUE NO. 3:

We, the jury unanimously find and determine beyond a reasonable doubt that the answer to Special Issue No. 3 is "NO".

/s/ Robert W. Wallace, Foreman

ANSWER TO SPECIAL ISSUE NO. 4:

We, the jury unanimously find and determine beyond a reasonable doubt that the answer to Special Issue No. 3 is "NO".

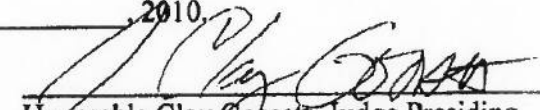
/s/ Robert W. Wallace, Foreman

It is therefore considered and adjudged by the court that the defendant BLAINE KEITH MILAM is guilty of the offense of Capital Murder, as found by the jury and said defendant committed said offense on or about December 2, 2008, as found by the jury, and that BLAINE KEITH MILAM be punished, as has been determined by the jury's answers to the special issues and in accordance with State law by imposition of the sentence of DEATH, according to the law.

Thereupon the said Defendant, BLAINE KEITH MILAM, was informed by the Court of the mandatory appeal of the Judgment and Sentence to the Texas Court of Criminal Appeals as provided by law and rights to an 11.071 Application for Writ of Habeas Corpus, and further the said Defendant was asked by the Court whether he had anything to say why said sentence should not be pronounced against him, subject to the mandatory appeal and mandate, and he answered nothing in bar thereof, and it appearing to the Court that the defendant is mentally competent and understands the English language, the Court proceeded, then in the presence of the defendant, his counsel, and counsel for the State, to pronounce sentence subject to mandatory appeal, against him as follows:

It is the Order of this Court that the said defendant, BLAINE KEITH MILAM, who has been adjudged guilty of the offense of Capital Murder, a capital felony; and that said defendant BLAINE KEITH MILAM committed the offense on or about December 2, 2008 as found by the jury and that he be punished as has been determined by the jury's answers to the special issues along with Texas law, by imposition of DEATH, according to the law and said defendant is remanded to the Sheriff of Rusk County, Texas to be delivered to the Institutional Division of the Texas Department of Criminal Justice or other person legally authorized to receive said defendant to be held until a date to be determined and ordered by this Court should the appeal in this case be affirmed and Mandate of same is returned to the Clerk of this Court , whereupon a death warrant with date of execution shall be ordered as provided by the law, and thereafter the Defendant transported to the appropriate authority for execution as provided by law.

Signed this the 8th day of June, 2010.

  
Honorable Clay Gossett, Judge Presiding  
4<sup>th</sup> District Court of Rusk County, Texas

Notice of Appeal: mandated by Texas Law from date of judgment.

FILED  
In the District Court of  
Rusk County, Texas  
on this the 8 day of June 2010  
at 10:15 o'clock A. M.  
JEAN HOOBES, CLERK  
By Aimee Bryant Deputy