

CAUSE NUMBER 241-1251-08

| | | |
|---|---|-----------------------------------|
| STATE OF TEXAS | § | IN THE 241 ST JUDICIAL |
| VS. | § | DISTRICT COURT OF |
| DEMONTRELL MILLER Capital Murder, Capital Felony as charged in the Indictment | § | SMITH COUNTY, TEXAS |

JUDGMENT

JUDGE PRESIDING: JACK SKEEN, JR. JUDGMENT DATE: NOVEMBER 16, 2009

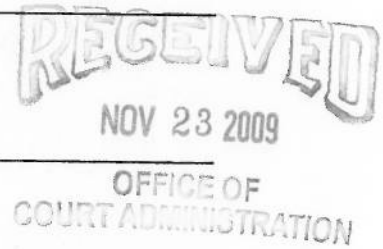
| | |
|--|--|
| ATTORNEY FOR STATE: MATT BINGHAM APRIL SIKES | ATTORNEY FOR DEFENDANT AT TRIAL: MELVIN THOMPSON LAJUANDA LACY |
|--|--|

| | |
|--|--------------------------------|
| OFFENSE CHARGED: <u>CAPITAL MURDER</u> | DATE OFFENSE |
| CONVICTED OF: <u>CAPITAL MURDER</u> | COMMITTED: <u>JUNE 1, 2008</u> |
| DEGREE: <u>CAPITAL FELONY</u> | |

| | |
|--|-------------------------|
| CHARGING INSTRUMENT: <u>INDICTMENT</u> | PLEA: <u>NOT GUILTY</u> |
| TERMS OF PLEA BARGAIN <u>NONE</u> | |

| | |
|--|----------------------|
| DATE SENTENCE FORMALLY PRONOUNCED AND IMPOSED: <u>NOVEMBER 16, 2009</u> | COSTS: \$290.00 |
|--|----------------------|

SUBJECT TO MANDATORY APPEAL AS PROVIDED BY STATUE



PUNISHMENT AND PLACE OF CONFINEMENT: DEATH SENTENCE

DEFENDANT ORDERED HELD IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE-
INSTITUTIONAL DIVISION UNIT UNTIL EXECUTED PURSUANT TO LAW AND THE
JUDGMENT AND SENTENCE OF THE COURT.

DATE DEATH PENALTY TO BE IMPOSED: TO BE SET AFTER MANDATORY
APPEAL AS PROVIDED BY STATUE.

TIME OF CONFINEMENT TO DATE OF JUDGMENT: 532 DAYS

RESTITUTION: NOT APPLICABLE

JUDGMENT OF CONVICTION AND DEATH SENTENCE

The Defendant having been indicted in the above entitled and numbered cause for the felony offense of CAPITAL MURDER as charged in the indictment, a capital felony, and this cause being called for jury selection on AUGUST 20, 2009, the State appeared by her Criminal District Attorney MATT BINGHAM and Assistant District Attorney APRIL SIKES, and the Defendant DEMONTRELL MILLER, appeared in person and his counsel MELVIN THOMPSON AND LAJUANDA LACY, also being present and both parties announced ready and jury selection commenced, and the Defendant in open court was duly arraigned and pleaded Not Guilty to the charge of Capital Murder as contained in the indictment herein, thereupon jury, to-wit: J. B. CRUMPTON, and eleven others, were duly selected, along with two alternate jurors, and upon completion of jury selection the jury was impaneled and sworn. On October 19, 2009, the Court proceeded with the trial with the reading of the indictment, the defendant entering his plea of "Not Guilty," opening statements, and introduction of evidence. The jury, who having heard the evidence submitted, and having been duly charged by the court, and after hearing argument of counsel, retired in the charge of the proper officer to consider 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 unanimous verdict, which was received by the Court, and is here and now entered upon the minutes of the Court, to wit:

WE, THE JURY, find the defendant, DEMONTRELL MILLER, GUILTY, of the offense of CAPITAL MURDER as charged in the indictment.

/S/ J. B. CRUMPTON
FOREMAN

The Defendant having been found guilty 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 law on the following special issues:

SPECIAL ISSUE NO. 1

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

SPECIAL ISSUE NO. 2

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, 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 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 NUMBER 1:

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

/s/ J. B. CRUMPTON
FOREMAN

ANSWER TO SPECIAL ISSUE NUMBER 2:

We, the jury unanimously find and determine that the answer to Special Issue No. 2 is "NO."

/s/ J. B. CRUMPTON
FOREMAN

JURY CERTIFICATE

WE, THE JURY, RETURN IN OPEN COURT THE ABOVE ANSWER OR ANSWERS AS OUR ANSWER OR ANSWERS TO THE SPECIAL ISSUE OR SPECIAL ISSUES SUBMITTED TO US, AND THE SAME IS OUR VERDICT IN THIS CASE.

/s/ J. B. CRUMPTON
FOREMAN


IT IS THEREFORE considered and adjudged by the Court, that the said Defendant is guilty of the offense of Capital Murder, as charged in the indictment, a Capital Felony; and that the said Defendant committed said offense on or about the 1st day of June, 2008, as found by the jury, and that he 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 was informed by the Court of the mandatory appeal of this 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 THE COURT, that the said Defendant, DEMONTRELL MILLER is guilty of the offense of CAPITAL MURDER, as charged in the indictment, a Capital Felony; and that the said Defendant, DEMONTRELL MILLER, committed said offense of CAPITAL MURDER on or about the 1ST day of June, 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 the punishment of DEATH, according to the law, and said Defendant is remanded to the Sheriff of

Smith County, Texas to be delivered to the Director of the Texas Department of Corrections (Texas Department of Criminal Justice, Institutional Division), 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 cause be affirmed and the 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 law, and there after the Defendant transported to the appropriate authority for execution as provided by law.

SIGNED ON THIS THE 16th DAY OF NOVEMBER, 2009.


HONORABLE JACK SKEEN, JR.
JUDGE, 241ST DISTRICT COURT
SMITH COUNTY, TEXAS

NOTICE OF APPEAL:

MANDATED BY TEXAS LAW from date of Judgement of Death November 16, 2009.