



CASE NO. 57883 COUNT SINGLE COUNT
INCIDENT NO./TRN: 9098915576

THE STATE OF TEXAS

IN THE 264TH DISTRICT

v.

COURT

TIMOTHY DOAN PAYNE

BELL COUNTY, TEXAS

STATE ID NO.: TX 07420989

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NUNC PRO TUNC JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	HON. MARTHA J. TRUDO	Date Judgment Entered:	11/15/2007
Attorney for State:	PAUL MCWILLIAMS AND LESLIE MCWILLIAMS	Attorney for Defendant:	STEVE LEE AND PAUL LEPAK

Offense for which Defendant Convicted:

CAPITAL MURDER

Charging Instrument:

INDICTMENT

Statute for Offense:

19.08 Penal Code

Date of Offense:

11/26/2004

Degree of Offense:

CAPITAL FELONY

Plea to Offense:

NOT GUILTY

Verdict of Jury:

GUILTY

Findings on Deadly Weapon:

YES, A FIREARM

Plea to 1st Enhancement Paragraph:

N/A

Plea to 2nd Enhancement/Habitual Paragraph:

N/A

Findings on 1st Enhancement Paragraph:

N/A

Findings on 2nd Enhancement/Habitual Paragraph:

N/A

Punished Assessed by:

COURT

Date Sentence Imposed:

11/15/2007

Date Sentence to Commence:

11/15/2007

Punishment and Place of Confinement:

LIFE INSTITUTIONAL DIVISION, TDCJ

THIS SENTENCE SHALL RUN CONCURRENTLY.

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

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$ N/A	\$ 250.00/ \$15,977.50- ATTORNEY FEES	\$ N/A	<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**

Time Credited: **From 11/29/2004 to 11/15/2007**
If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

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 Bell 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 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. The Court ORDERS that upon release from confinement, Defendant proceed immediately to the Office of the Bell 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.
- County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant immediately committed to the custody of the Sheriff of Bell County, Texas on the date the sentence is to commence. Defendant shall be confined in the Bell County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the Office of the Bell 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 Bell 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.

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

Signed and entered on December 12, 2007

MARTHA J. TRUDO
JUDGE PRESIDING

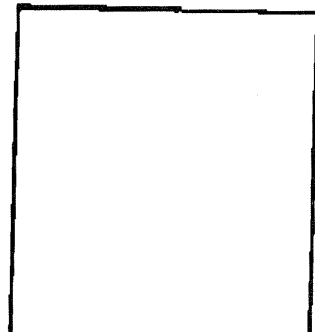
Clerk: JA

Timothy Dean Payne FR5798a NPT

DEPUTY
SHELLIA NORMAN
DISTRICT COURT
BELL COUNTY, TX

2007 DEC -7 AM 8:22

FILED



CERTIFICATE OF THUMBPRINT

CAUSE # 57383

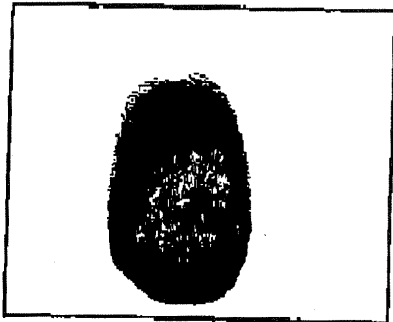
THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF BELL COUNTY, TEXAS

PAYNE, TIMOTHY



BY [Signature] DEPUTY
SHEILA NORMAN
DISTRICT COURT
BELL COUNTY, TX

2007 NOV 27 AM 10:35

FILED

RIGHT THUMB*

Defendant's R 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 THIS THE 15th DAY OF NOV 2007

[Signature]
Official Taking Print

*Indicate here if print other than defendant's right thumbprint is placed in box.

Left Thumbprint

Left/Right Index Finger

Other _____

