



CASE NO. 137213601010  
 INCIDENT NO./TRN: 9168373236A001

P.2

THE STATE OF TEXAS

IN THE 180TH DISTRICT

v.

COURT

GARDNER, HERBERT GARFIELD

HARRIS COUNTY, TEXAS

STATE ID No.:TX08234563

§  
§  
§  
§  
§  
§  
§

**JUDGMENT OF CONVICTION BY JURY—NON-DEATH CAPITAL**

Judge Presiding:	HON. TERRY FLENNIKEN	Date Judgment Entered:	8/15/2014
Attorney for State:	MARY MCFADEN	Attorney for Defendant:	KING, VIVIAN RADINE
Offense for which Defendant Convicted: CAPITAL MURDER			
Charging Instrument: INDICTMENT		Statute for Offense: N/A	
Date of Offense: 12/23/2012			
Degree of Offense: CAPITAL FELONY		Plea to Offense: NOT GUILTY	
Verdict of Jury: GUILTY		Findings on Deadly Weapon: YES, A FIREARM	
Plea to 1 <sup>st</sup> Enhancement Paragraph:	N/A	Plea to 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	N/A
Findings on 1 <sup>st</sup> Enhancement Paragraph:	N/A	Findings on 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	N/A
Punished Assessed by: COURT	Date Sentence Imposed: 8/15/2014	Date Sentence to Commence: 8/15/2014	
Punishment and Place of Confinement: LIFE WITHOUT PAROLE, INSTITUTIONAL DIVISION, TDCJ			

THIS SENTENCE SHALL RUN CONCURRENTLY.

Fine: \$ N/A	Court Costs: \$ 609.00	Restitution: \$ N/A	Restitution Payable to: <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.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited:	From 12/23/2012 to 8/15/2014	From _____ to _____
	From _____ to _____	From _____ to _____
	From _____ to _____	From _____ to _____

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 Harris 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.

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.

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 Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

The Court ORDERS Defendant's sentence EXECUTED.

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

Furthermore, the following special findings or orders apply:

Deadly Weapon.

The Court FINDS Defendant used or exhibited a deadly weapon, namely, A FIREARM, during the commission of a felony offense or during immediate flight therefrom or was a party to the offense and knew that a deadly weapon would be used or exhibited. TEX. CODE CRIM. PROC. art. 42.12 §3g.

Signed and entered on August 15, 2014

X  
TERRY OLENNIKEN  
JUDGE, PRESIDING

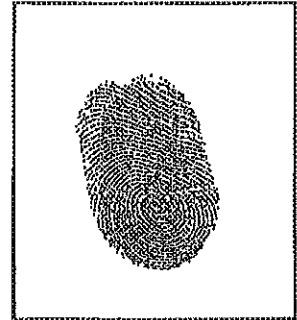
Ntc Appeal Filed: 8-15-2014 Mandate Rec'd: 2-15-16  
After Mandate Received, Sentence to Begin Date is: 8-15-14

Def. Received on \_\_\_\_\_ at \_\_\_\_\_ AM / PM

By: \_\_\_\_\_, Deputy Sheriff of Harris County

Clerk: J. WYCOFF

999 13/989 DMW ✓ 999  
life w/out parole



Right Thumbprint