

Case No. CR-3577-06-C  
TRN 904 053 1803 A001

THE STATE OF TEXAS                    §            IN THE 139TH JUDICIAL  
VS. BUCK DUANE SETTLE               §            DISTRICT COURT OF  
AKA BUCK DUANE SETTLE,             §            HIDALGO COUNTY, TEXAS  
JR.,  
DEFENDANT  
SID: TX 06109610

**JUDGMENT OF CONVICTION BY JURY  
& SENTENCE TO THE INSTITUTIONAL DIVISION OF  
THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

DATE OF JUDGMENT: January 18, 2008  
JUDGE PRESIDING: JR. "BOBBY" FLORES  
ATTORNEY FOR THE STATE: ORLANDO J. ESQUIVEL AND  
MAGDALENA HINOJOSA  
ATTORNEY FOR THE DEFENDANT: E.A. "BETO" VILLARREAL  
OFFENSE CODE: 09990019  
OFFENSE: MURDER, A LESSER INCLUDED OR  
RELATED OFFENSE  
DATE OF OFFENSE: JULY 14, 2006  
DEGREE OF OFFENSE: FIRST DEGREE FELONY  
STATUTE FOR OFFENSE: 19.02 (b)(1) PENAL CODE  
APPLICABLE PUNISHMENT RANGE: LIFE OR 5-99 YEARS IN PRISON/MAX  
(Including enhancements if any): \$10,000 FINE  
CHARGING INSTRUMENT: INDICTMENT or INFORMATION  
PLEA TO OFFENSE: NOT GUILTY  
JURY VERDICT FOR OFFENSE: GUILTY  
PUNISHMENT IMPOSED BY JURY: 47 YEARS IMPRISONMENT  
PLACE OF IMPRISONMENT INSTITUTIONAL DIVISION OF THE  
TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE  
FINE: NONE  
RESTITUTION: NONE  
CREDIT FOR TIME SPENT IN JAIL: 548 DAYS  
DISMISS: NONE  
CONSDIER: NONE  
CONCURRENT WITH: NONE  
PLEA TO ENHANCEMENT TRUE TO 1  
PARAGRAPII(S):  
FINDING TO ENHANCEMENT: TRUE TO 1  
FINDING ON DEADLY WEAPON: NONE  
COURT COSTS: \$ \_\_\_\_\_  
DATE SENTENCE IMPOSED: JANUARY 18, 2008

On **JANUARY 15, 2008**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **ORLANDO J. ESQUIVEL AND MAGDALENA HINOJOSA**, and the Defendant and the Defendant's attorney, **E.A. "BETO" VILLARREAL**, were also present. Thereupon both sides announced ready for trial, and the Defendant pleaded **NOT GUILTY** to the offense charged in the indictment or information. A Jury was duly selected, impaneled and sworn. Having heard the evidence submitted and having been duly charged by the Court, the Jury retired to consider their verdict. Afterward, on **JANUARY 17, 2008**, being brought into open court by the proper officer, the Defendant, the Defendant's Attorney and the State's Attorney being present, and being asked if the Jury had agreed upon a verdict, the Jury answered it had and returned to the Court a verdict, which was read aloud, received by the Court, and is now entered upon the minutes of the Court as follows:

We, the Jury, find the Defendant, **BUCK DUANE SETTLE**, **GUILTY**, of the lesser included offense of **MURDER**.

Thereupon, the Defendant having previously elected to have the punishment assessed by the Jury, pleaded to the enhancement paragraphs, if any, as stated above, and the jury was called back into the box and heard evidence related to the question of punishment. Thereafter, the jury retired to consider such question and, after having deliberated, the jury was brought back into open court by the proper officer, the Defendant, the Defendant's attorney, and the State's attorney being present, and being asked if the jury had agreed upon a verdict, the jury answered it had and returned to the Court a verdict, which was read aloud, received by the Court, and is now entered upon the Minutes of the Court as follows:

We, the jury, having found the Defendant, **BUCK DUANE SETTLE**, guilty of the felony offense of **MURDER**, do further find that it is "TRUE" that the Defendant has been once before convicted of a felony offense as alleged in the indictment, and assess punishment at imprisonment in the Institutional Division of the Texas Department of Criminal Justice for 47 years (not less than 15 years or more than 99 years).

A pre-sentence investigation report **WAS NOT DONE** according to Article 42.12, Sec. 9, CCP.

And thereupon on **JANUARY 18, 2008**, the Court then asked the Defendant whether the Defendant had anything to say why the sentence should not be pronounced upon Defendant, and the Defendant having answered nothing in bar thereof, the Court proceeded to pronounce sentence upon Defendant.

It is therefore **ORDERED, ADJUDGED and DECREED** by the Court that the Defendant is guilty of the offense of **MURDER, A LESSER INCLUDED OR RELATED OFFENSE, FIRST DEGREE FELONY**, committed on **JULY 14, 2006**; that the punishment is fixed at **47 YEARS** in the **INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE** and a Fine of **NONE**; and that the State of Texas do have and recover of the Defendant all court costs in this prosecution expended, for which execution will issue.

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It is further **ORDERED** by the Court that the Defendant be taken by the authorized agent of the State of Texas or by the Sheriff of Hidalgo County, Texas, and be safely conveyed and delivered to the Director of the Institutional Division of the Texas Department of Criminal Justice, there to be confined in the manner and for the period aforesaid, and the Defendant is hereby remanded to the custody of the Sheriff of Hidalgo County, Texas, until such time as the Sheriff can obey the directions of this sentence.

**Furthermore, the following special findings or orders apply:**

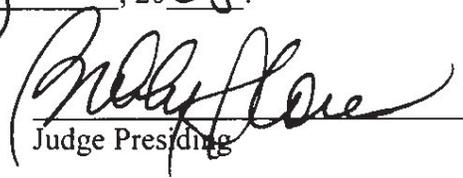
The Court, upon the State's motion, **DISMISSED** the following count, case or complaint: **NONE**.

The Court, upon the Defendant's request and the State's consent, **CONSIDERED** as an admitted unadjudicated offense the following count, case or complaint: **NONE**.

The Court finds that this sentence shall run concurrent with: **NONE**.

The Court finds that the Defendant shall be credited with **548 DAYS** on his sentence for time spent in jail in this cause.

The Court finds the Defendant owes **NONE** for the Fine, **NONE** in restitution, \$ \_\_\_\_\_ in court costs. The Defendant shall make restitution, if any, within five (5) years after the end of the term of imprisonment imposed.

Signed on the 22<sup>nd</sup> day of January, 2008.  
  
Judge Presiding

Receipt is hereby acknowledged on the date shown above of one copy of this Judgment & Sentence.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Community Supervision Officer

**DAM**

Defendant's right thumbprint

*Defendant refused to sign + print judgment  
DAM 1-23-08*

