

THE STATE OF TEXAS
VS.
RAUL HERRERA, JR.

NO.CR-112-89-D

IN THE 206TH DISTRICT COURT
OF
HIDALGO COUNTY, TEXAS

JUDGMENT ON PLEA OF GUILTY OR NOLO CONTENDERE BEFORE COURT
WAIVER OF JURY TRIAL --- PROBATION GRANTED

Judge Presiding: JOE B. EVINS

Date of Judgment: MAY 9, 1990

Attorney(s) RENE GUERRA, DIST. ATTY., and	Attorney(s)
for State : RUBIO O. SALINAS, JR., ASSISTANT	for Defendant: DORINA RAMOS
(FOR SENTENCING ONLY)	

Offense Convicted of: AGGRAVATED ASSAULT (A LESSER OFFENSE)	
Degree : THIRD	Date Offense Committed: SEPTEMBER 20, 1988

Charging Instrument: INDICTMENT	Plea: GUILTY
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Plea Bargain Terms (In Details): NONE

Plea to Enhancement Paragraphs(s): N/A	Findings on Enhancement: N/A
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Findings on Use of Deadly Weapon : N/A

Punishment and Place of Confinement : TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CORRECTIONS
PROBATED FOR TEN (10) YEARS

Date Placed on Probation: MAY 9, 1990

Term of Probation: TEN (10) YEARS

Time Credited : 170

Total Amount of Restitution/
Reparation: \$468.49
Fine: \$750.00
Costs:

Concurrent Unless Otherwise Specified.

Restitution to Be Paid To:
Name: RICK T. FLORES
Address: RT. 8, BOX 224-M, MISSION, TEXAS
C/O DISTRICT CLERK FUND
P.O. BOX 87, EDINBURG, TEXAS

The Defendant having been indicted in the above entitled and numbered cause for the felony offense(s) of **ATTEMPTED MURDER**, and this cause being called for trial on **SEPTEMBER 11, 1989**, the State appeared by RENE GUERRA, Criminal District Attorney, and Assistant Criminal District Attorney, **OMAR J. GARZA**, and the Defendant, **RAUL HERRERA, JR.**, appeared in person and by Counsel, **DORINA RAMOS**, and both parties announced ready for trial. The Defendant was arraigned, then in person, in writing, and in open court, waived the right of trial by jury with the consent and approval of the District Attorney and the Court. The Defendant pled **GUILTY** to the **LESSER** charge than that contained in of the indictment. Thereupon the Defendant was admonished by the Court of the consequences of said plea, including the range of punishment, and that no punishment recommendation by the prosecuting attorney is binding on the Court, and that if the punishment assessed does not exceed the punishment recommended by the State and agreed to by the Defendant and by Counsel, the Defendant may not prosecute an appeal without permission of the Court except for any

pre-trial matters raised by written motion. The Defendant persisted in entering the plea and it appearing to the Court that the Defendant was mentally competent and that the plea was free and voluntary, accepted the plea. The Defendant, having in open court and in writing, waived the appearance, confrontation, and cross examination of witnesses, consented to the stipulation of evidence and to the introduction of testimony by affidavits, written statements of witnesses, and other documentary evidence; such waiver and consent, having been approved by the Court in writing, were filed in the papers of the cause. The plea of the Defendant was received and entered of record upon the minutes. The Court, having heard the indictment read, the Defendant's plea thereto, the evidence submitted, and the argument of counsel thereon, found the Defendant guilty of the offense of **AGGRAVATED ASSAULT (A LESSER OFFENSE)**, committed on **SEPTEMBER 20, 1988**.

The Court then, having ascertained there was no plea bargaining agreement between the parties; and the Defendant's request in open court that a pre-sentence investigation be conducted, ordered a pre-sentence investigation be conducted by the Adult Probation Department.

On **MAY 9, 1990**, the Court called the above-mentioned cause, which was recessed from the plea of guilty date of **SEPTEMBER 11, 1989**, to consider evidence on punishment and the pre-sentence investigation report requested by the Court and filed with the papers of the cause. Thereupon the Court in accordance with the law, and after further evidence was heard assessed the punishment at confinement in the Texas Department of Corrections for **TEN (10) years** and a fine in the amount of **\$750.00**.

IT IS THEREFORE CONSIDERED, ORDERED, AND ADJUDGED by the Court that the Defendant is guilty of the offense of **AGGRAVATED ASSAULT (A LESSER OFFENSE)**, a **THIRD** degree felony, and that the Defendant be punished by confinement in the Texas Department of Corrections for **TEN (10) years** and a fine of **\$750.00** and that the State of Texas do have and recover of the Defendant all costs of prosecution, for which execution will issue.

HOWEVER, THE COURT, after due consideration is of the opinion, and so finds, that the defendant is eligible for probation under the provisions of Article 42.12, Vernon's Texas Code of Criminal Procedure, and is further of the opinion, and so finds, that the ends of justice and the best interests of both the public and the defendant will be subserved if the imposition of the sentence in this cause be suspended and the defendant be placed on probation under the supervision of the Court; however the fine is not suspended.

IT IS, THEREFORE, FURTHER ORDERED by the Court that the imposition of the sentence of confinement in this cause be and the same is hereby suspended during the good behavior of the defendant, and that the defendant be and is hereby placed on probation for a term of **TEN (10) years** beginning on this date under the supervision of the Court, subject to the following conditions of probation, viz:

That during the term of the probation the defendant shall:

- a. Commit no offense against the laws of this State or of any other State or the United States;
- b. Avoid injurious or vicious habits;
- c. Avoid persons or places of disreputable or harmful character;
- d. Report to the Probation Officer each month during the Probationary period as directed; to-wit: DURING THE WEEK OF THE THIRD MONDAY OF EACH MONTH, commencing JUNE 18, 1990, and obey all rules and regulations of the probation department.
- e. Permit the Probation Officer to visit him at his home or elsewhere;
- f. Work faithfully at suitable employment as far as possible;

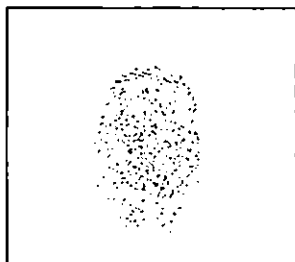
- g. Remain within the limits of Hidalgo County, Texas, unless given permission to leave therefrom;
- h. Pay costs assessed herein as follows:
 - h-1 Pay a FINE in the amount of \$750.00, payable at the rate of \$10.00 per month, commencing JANUARY 20, 1991, and a like payment to be paid on the 20TH day of each succeeding month until paid in full, said payments to be made through the Hidalgo County Adult Probation Office, 413 N. 14th St., Edinburg, Texas;
 - h-2 Pay RESTITUTION in the amount of \$468.49, payable at the rate of \$50.00 per month, commencing JANUARY 20, 1991, and a like payment to be paid on the 20TH day of each succeeding month until paid in full, said payments to be made through the Hidalgo County Adult Probation Office, 413 N. 14th St., Edinburg, Texas;
 - h-3 Reimburse the sum of \$250.00 to the County of Hidalgo for the services of a COURT APPOINTED ATTORNEY, payable at the rate of \$10.00 per month, commencing JANUARY 20, 1991, and a like payment to be paid on the 20TH day of each succeeding month until paid in full, said payments to be made through the Hidalgo County Adult Probation Office, 413 N. 14th St., Edinburg, Texas.
 - h-4 The Defendant is to receive credit at the rate of \$45.00 per day to apply towards the payment of his court costs.
- i. Support any dependents.
- j. Pay SUPERVISORY FEES in the amount of \$25.00 per month, commencing on JANUARY 20, 1991, and a like payment to be paid on the 20TH day of each succeeding month thereafter during the period of probation, to be used in administering the probation laws as authorized by the Adult Probation Law, said payments to be made through the Hidalgo County Adult Probation Office, 413 N. 14th St., Edinburg, Texas.
- k. The Defendant is remanded to the Hidalgo County Jail and to be released on June 6, 1990 or otherwise ordered by the Court under Article 42.12 Section 12 of the Texas Code of Criminal Procedures.
- l. That the defendant commit his person on or before June 12, 1990, to the Vernon State Hospital, 4730 College Drive, Vernon, Texas, to receive treatment for alcohol and drug abuse, and that he fully comply with all the directives of the hospital until further ordered by this Court, and that he give such agency the authority to release any and all information pertaining to his total participation in the program to the Hidalgo County Adult Probation Department.
- m. The Court as part of a continuum of sanctions orders the defendant to participate fully in the Intensive Supervision Probation Program for a period not to exceed one year commencing 30 days upon release from Vernon State Hospital otherwise extended by the Court, and the defendant shall report in person to the Intensive Supervision Probation Officer at the Hidalgo County Adult Probation Office, 413 North 14th, Edinburg, Texas, on each and every Wednesday commencing 30 days upon release from Vernon State Hospital otherwise extended by the Court and every Wednesday thereafter.
- n. The defendant is required to actively participate and complete the Intensive Outpatient Treatment Program for drug and/or alcohol abuse sponsored by the Tropical Texas Center for Mental Health and Mental Retardation in Edinburg, Texas commencing INSTANTER. While in this program defendant shall submit to periodic urinalysis, psychological and/or psychiatric testing, evaluation and/or individual counseling unless ordered differently by the Court.
- o. Avoid bars, taverns, "cantinas", lounges, pool halls and all establishments whose primary business or source of income is the selling or distribution of alcoholic beverages.

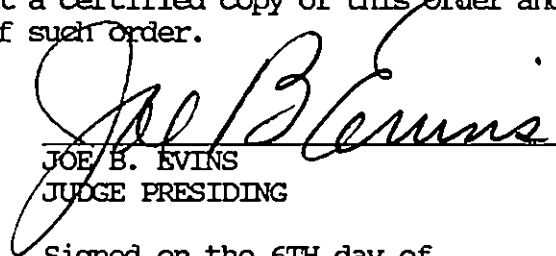
- p. That the defendant is to avoid the use or abuse of any and all alcoholic beverages or mind altering drugs during his entire period of probation.
- q. Submit to random urinalysis by authorized personnel of the Hidalgo County Adult Probation Department.
- r. That the defendant observe a curfew of 9:00 p.m. to 6:00 a.m., every day during his entire period of probation.
- s. That the defendant maintain gainful employment only between the hours of 8:00 a.m. to 6:00 p.m.
- t. The Defendant shall participate fully in the Hidalgo County Education and Employment Program commencing INSTANTLY, submit to scholastic testing, academic/vocational counseling, abide by all the rules and regulations of the program, achieve an educational skill level that is equal to or greater than the average skill level of students who have completed the sixth grade in public schools in this state, and shall remain in such program until successful completion or further ordered by the Court.

The Clerk of this Court will furnish the defendant a certified copy of this order and shall note on the docket sheet the date of delivery of such order.

Fingerprint from

finger of Defendant:




JOE B. EVINS
JUDGE PRESIDING

Signed on the 6TH day of
APRIL, 1990.

Notice of Appeal: _____

(am)