

THE STATE OF TEXAS
VS.
JOE MEDRANO
AKA JOSE ERLINDO MEDRANO

IN THE 139TH DISTRICT COURT
OF
HIDALGO COUNTY, TEXAS

NO. CR-861-89-C

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

Judge Presiding: RAUL L. LONGORIA

Date of Judgment: MARCH 18, 1991

Attorney(s) RENE GUERRA, DIST. ATTY.,
for State : ALMA R. GARZA, ~~ARG~~ ASSISTANT
ARG

and Attorney(s)
for Defendant: FELIX RAMOS

Offense Convicted of: AGGRAVATED ASSAULT ON A PEACE OFFICER
Degree : SECOND

Date Offense Committed: JUNE 6, 1989

Charging Instrument: INDICIMENT

Plea: GUILTY

Plea Bargain Terms (In Details): FIVE (5) YEARS IN THE INSTITUTIONAL DIVISION OF THE
TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Plea to Enhancement Paragraph(s): N/A

Findings on Enhancement: N/A

Findings on Use of Deadly Weapon : AFFIRMATIVE FINDING TO WIT: ONE (1) INTERNATIONAL
TRACTOR

Date Sentence Imposed: MARCH 18, 1991

Costs:

Date to Commence: MARCH 18, 1991

Punishment and

Place of Confinement : FIVE (5) YEARS IN THE INSTITUTIONAL DIVISION OF THE TEXAS
DEPARTMENT OF CRIMINAL JUSTICE

Time Credited : 413 DAY

Total Amount of Restitution/
Reparation: N/A

Concurrent Unless Otherwise Specified.

Restitution to Be Paid to
Name: N/A
Address:

The Defendant having been indicted in the above entitled and numbered cause for the felony offense(s) of AGGRAVATED ASSAULT ON A PEACE OFFICER, and this cause being this day called for trial, the State appeared by RENE GUERRA, Criminal District Attorney, and Assistant Criminal District Attorney, ALMA R. GARZA, and the Defendant, JOE MEDRANO AKA JOSE ERLINDO MEDRANO, appeared in person and by Counsel, FELIX 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 charge contained in 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

21-1-55

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 ON A PEACE OFFICER**, committed on **JUNE 6, 1989**.

The Court, after hearing evidence on punishment and the Defendant having waived a pre-sentence investigation, inquired into the existence of any plea bargaining. Thereupon the Court, accepting the agreement of the parties, assessed the punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for **FIVE (5)** years.

IT IS THEREFORE CONSIDERED, ORDERED, AND ADJUDGED by the Court that the Defendant is guilty of the offense of **AGGRAVATED ASSAULT ON A PEACE OFFICER**, a **SECOND** degree felony, and that the Defendant be punished by confinement in the Institutional Division of the Texas Department of Criminal Justice for **FIVE (5)** years, and that the State of Texas do have and recover of the Defendant all costs of prosecution, for which execution will issue.

The Court then proceeded to pronounce the sentence of law according to the judgment rendered and the Defendant was asked by the Court whether the Defendant had anything to say why sentence should not be pronounced, and the Defendant answered nothing in bar thereof. Whereupon the Court proceeded, in the presence of said Defendant, to pronounce the sentence as follows, to-wit: "It is the order of the Court that the Defendant **JOE MEDRANO AKA JOSE ERLINDO MEDRANO** who has been adjudged to be guilty of the offense of **AGGRAVATED ASSAULT ON A PEACE OFFICER**, and whose punishment has been assessed at confinement in the Institutional Division of the Texas Department of Criminal Justice for **FIVE (5)** years, be delivered by the Sheriff of Hidalgo County, Texas immediately to the Director of the Institutional Division of the Texas Department of Criminal Justice or other person legally authorized to receive such convicts, and the Defendant shall be confined in said penitentiary for a term of not less than **TWO (2)** years nor more than **FIVE (5)** years in accordance with the provisions of the law governing the Institutional Division of the Texas Department of Criminal Justice."

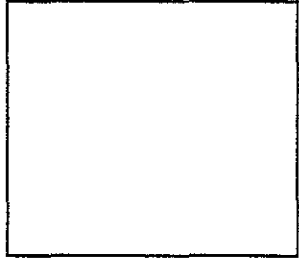
It is the further finding of the court that the amount of restitution due and owing on the date of sentence is \$ _____.

And the Court makes the affirmative finding that the Defendant did use a deadly weapon, to wit: one (1) International tractor that in the manner of it use or intended use was capable of causing death or serious bodily injury, during the commission of the offense of Aggravated Assault on a peace officer.

The Defendant is given jail credit for 413 days through the sentencing date and is remanded to jail in the custody of the Sheriff to await further orders of this Court.

Fingerprint from

finger of Defendant:



Raul L. Longoria
RAUL L. LONGORIA
JUDGE PRESIDING

Signed on the 18th day of
MARCH, 1991.

Notice of Appeal: _____

(kr)

STATEMENT OF FACTS

FILED
4-25
MAR 25 1991
BY [Signature]

INSTRUCTIONS:

Purpose: The Board of Pardons & Paroles and the Department of Corrections need an accurate version of the crime. Sometimes only the inmate's version is available.

Scope: Please limit the report to the facts. The last page of this form allows you to provide any recommendations and information relative to parole.

Disposition: Please deliver the original of this form to the district clerk for inclusion in the papers of the case. If the papers have already gone, the form should be delivered to Director, Bureau of Classification, Institutional Division of the Texas Department of Criminal Justice, Box 99, Huntsville, Texas 77340.

Office: Hidalgo County Criminal District Attorney's Office

Elected Official: RENE GUERRA

Bar Card Number: 08578200

Trial Attorney: ALMA R. GARZA
(If different) Name

Bar Card Number: 02700900

Inmate: JOE MEDRANO AKA JOSE ERLINDO MEDRANO
Name

TDC # (if known)

Offense: AGGRAVATED ASSAULT ON A PEACE OFFICER

Cause # CR-861-89-C

PENAL CODE SEC. 22.02

Court: 139TH District Court

Date of Sentence: MARCH 18, 1991

1. Statement of offense(s) (including time, date, place, manner in which committed, mitigating or aggravating circumstances) You are encouraged to supplement this statement with copies of any confession, victim/witness statements or police offense report that might be available. (Attach additional sheets if necessary)

On Tuesday, June 6, 1989, an attempt was made to execute warrant #23341 on Jose Medrano who was driving a white International truck. Mr. Medrano was spotted by officer Joe Martinez, who activated the unit's emergency equipment to conduct the traffic stop. Mr. Medrano, instead, sped off at a high rate of speed and a pursuit ensued thru the city. The pursuit travelled northbound on 281 until it reached the expressway and headed eastbound on the Expressway. During the pursuit, a patrol unit was struck by the truck driven by Jose Medrano. (The officer had to be taken to Rio Grande Regional Hospital for treatment and observation). The pursuit ended at Valverde Road and Expressway, Donna, Texas, after Medrano lost control of his truck and struck the overpass. Mr. Medrano was positively identified by his tattoos. Complaints and warrants were prepared for Aggravated Assault on a Peace Officer.

Defendant was found guilty of Aggravated Assault on a Peace Officer and was sentenced to FIVE (5) years in the Institutional Division of the Texas Department of Criminal Justice.

2. Name of co-defendants, disposition of their cases. Please explain if dispositions differ from this defendant.

N/A

3. Value of property stolen, destroyed or damaged including name and address of injured party(ies). Indicate if stolen property was returned to owner without loss.

N/A

4. If physical injury, describe details of injury (including death), cost of medical treatment, including name and address of victim(s). If deceased, include name and address of next of kin if known.

N/A

5. Other cases filed against inmate that have been dismissed or are pending.

ASSAULT ---DATE OF ARREST---05/30/89---CAUSE NUMBER---CR-81839-D-89---PENDING

UNLAWFULLY CARRYING A WEAPON---DATE OF ARREST---09/29/88---CR-75707-A-88---PENDING

6. CAVEAT: This question is optional. While this report is not shown to the inmate by authorities, and state law provides that it is "confidential and privileged" information and therefore not disclosable to the inmate, it cannot be guaranteed that in no case will the inmate learn of its contents.

Please give any additional information which may be useful to the parole board in evaluating parole for this individual. Please include any statements of the victim(s) or other aggrieved citizens if applicable.

- / / I recommend parole.
- / / I do not recommend parole.
- / / I have no recommendation.

Comments:

Alma R. Garza
ALMA R. GARZA, ASSISTANT
CRIMINAL DISTRICT ATTORNEY
March 22, 1991
Date