

CAUSE NO. 2992

THE STATE OF TEXAS	§	IN THE 154TH DISTRICT
VS.	§	COURT OF
JOSE ERLINDO MEDRANO	§	LAMB COUNTY, TEXAS

**JUDGMENT ON PLEA OF GUILTY OR NOLO CONTENDERE
BEFORE COURT ON WAIVER OF JURY - SENTENCED TO TDCJ-ID**

Judge Presiding:	FELIX KLEIN	Date of Judgment:	APRIL 29, 1998
Attorney for State:	MATTHEW POWELL	Attorney for Defendant:	KREGG HUKILL
Offense Convicted of:	AGGRAVATED SEXUAL ASSAULT - Child younger than 14 years of age		
Degree of Offense:	1ST FELONY	Date of Offense:	AUGUST 26, 1995
Charging Instrument:	INDICTMENT	Plea:	GUILTY
Terms of Plea Bargain: IN EXCHANGE FOR A PLEA OF GUILTY TO EACH OF THE ALLEGATIONS CONTAINED IN THE INDICTMENT FILED IN THIS CASE AND THE EVIDENCE INTRODUCED HEREIN THE STATE WOULD RECOMMEND THAT THE COURT FIND THE DEFENDANT GUILTY OF THE ABOVE STATED OFFENSE AND ASSESS THE DEFENDANT TO CONFINEMENT IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE - INSTITUTIONAL DIVISION FOR THE PERIOD OF TIME HEREIN STATED.			
Plea to Enhancement Paragraph(s):	N/A	Finding on Enhancement(s):	N/A
Findings on use of Deadly Weapon:	NONE	Fine:	\$-0-
Date Sentence Imposed:	APRIL 29, 1998	Cost:	\$345.50
Sentence of Confinement in Tex. Dept. Of Criminal Justice - Institutional Div.:	FIVE (5) YEARS	Date to Commence:	APRIL 29, 1998
Time Credit:	976 DAYS (8/29/95 - 4/29/98)	Total Amount of Restitution/Reparation:	\$-0-
Restitution Payable to:	N/A		

Concurrent unless otherwise indicted.

On this day, APRIL 29, 1998, was regularly reached and called for trial the above numbered and entitled cause, and the State appeared by her District Attorney, and the defendant, JOSE ERLINDO MEDRANO, appeared in person, defendant's counsel, KREGG HUKILL, also being present, thereupon the District Attorney announced ready for trial, and it appearing to the Court that the defendant, defendant's counsel, and the State's attorney have agreed in writing in open court to waive a jury in the trial of this cause and to submit this cause to the Court; and the Court having consented to the waiver of a jury herein, the defendant waived the reading of the indictment stating that he understood the charge against him and the defendant upon being asked by the Court as to how defendant pleaded, entered a plea of "GUILTY" to the charge in the indictment relied upon by the State; thereupon the defendant was admonished by the Court as required by law as to:

1. the range of the punishment attached to the offense;

2. the fact that the recommendation of the prosecuting attorney as to punishment is not binding on the court. Provided that if such an agreement exists, and the court rejects the agreement, the defendant shall be permitted to withdraw his plea and neither the fact that the defendant had entered a plea nor any statements made by him at the hearing on the plea may be used against him on the issue of guilt or punishment in any subsequent criminal proceeding; and

3. the fact that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and his attorney, the trial court must give its permission to the defendant before he may prosecute an appeal on any matter in the case except for those matters raised by written motions filed prior to trial.

4. The fact that if the defendant is not a citizen of the United States, a plea of guilty or nolo contendere may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

5. The defendant would register as a sex offender as required by law.

And it appearing to the court that the said defendant is mentally competent to stand trial, the plea is freely and voluntarily made, and that the defendant is aware of the consequences of his plea, the said plea is by the Court received and is here now entered of record in the minutes of the Court as the plea herein of said defendant.

And the Court after having heard evidence for the State and defendant, and having heard argument of counsel, is of the opinion and so finds that the said defendant is guilty of the offense of AGGRAVATED SEXUAL ASSAULT; the Court finds that Defendant has been convicted of an offense requiring sex offender registration with local law enforcement agency and that the age of the victim at the time of the offense was less than fourteen (<14); and the Court together with counsel and the defendant reviewed the presentence report and made any necessary corrections thereto.

And the Court having heard evidence for the State and for the defendant on the issue of punishment and having heard argument of counsel, is of the opinion and so finds that the punishment of the defendant should be fixed at confinement in the Institutional Division of the Texas Dept. of Criminal Justice for a period of FIVE (5) YEARS and a fine of \$-0-.

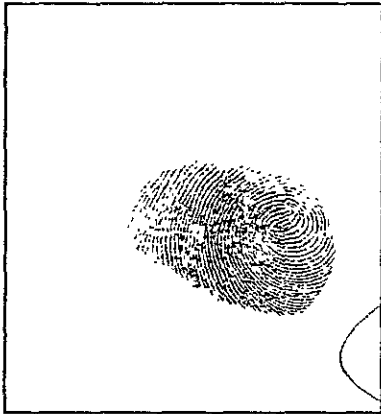
It is therefore considered, ordered, adjudged and decreed by the Court that the said defendant, JOSE ERLINDO MEDRANO, is guilty of the offense of AGGRAVATED SEXUAL ASSAULT, as confessed in said plea of guilty herein made, and that punishment be fixed as assessed by the Court, by confinement in the Institutional Division of the Texas Dept. of Criminal Justice for a period of FIVE (5) YEARS and by a fine of \$-0-.

The Court finds that said offense was committed on August 26, 1995. The Court further finds that said defendant did not use a deadly weapon during the commission of the offense or during immediate flight therefrom. The Court further finds there was in existence a plea bargaining agreement between the State and the defendant and that the punishment assessed does not exceed the punishment recommended.

And the defendant being asked by the Court if sufficient reason existed why the sentence of this Court should not be pronounced, failed to give such reason; whereupon the Court proceeded, in the presence of the said defendant and his attorney, to pronounce sentence as follows:

It is the Order of this Court that the said defendant, JOSE ERLINDO MEDRANO, who has been adjudged guilty of the offense of AGGRAVATED SEXUAL ASSAULT, be, and is hereby sentenced to confinement in the Institutional Division of the Texas Dept. of Criminal Justice for FIVE (5) YEARS and to pay a fine of \$-0-; and that said defendant be taken by the Sheriff of Lamb County, Texas or an authorized agent of the State of Texas, and by him safely conveyed and delivered to the Institutional Division of the Texas Dept. of Criminal Justice there to be confined in the manner and for the period aforesaid.

The defendant is given credit for days back time from the effective date of this sentence; and the defendant is remanded to jail until the sheriff can obey the directions of this sentence.



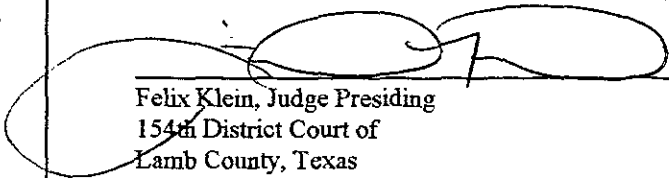
Right Thumb Print of Defendant

DATE: June 1, 1998.

FILED
IN THE OFFICE
OF THE DISTRICT CLERK

JUN 01 1998

AT 4:30 P. M O'CLOCK
TERESA McGAA
LAMB COUNTY DISTRICT CLERK


Felix Klein, Judge Presiding
154th District Court of
Lamb County, Texas

Notice of Appeal: None Given