

Case No. CR-1815-13-B
TRN 917 337 9123 A001

THE STATE OF TEXAS § IN THE 93RD JUDICIAL
v. **BENITA E. GONZALEZ,** § DISTRICT COURT OF
DEFENDANT § HIDALGO COUNTY, TEXAS
SID: TX 07146605

**JUDGMENT OF CONVICTION BY COURT
& SENTENCE TO THE HIDALGO COUNTY
ADULT DETENTION CENTER (COUNTY JAIL)**

DATE OF JUDGMENT: July 16, 2014
JUDGE PRESIDING: **RODOLFO DELGADO**
ATTORNEY FOR THE STATE: **CREGG THOMPSON**
ATTORNEY FOR THE DEFENDANT: **MELINDA DIAZ**
OFFENSE CODE: **23990009**
OFFENSE: **THEFT OF PROPERTY, IN THE
AMOUNT OF LESS THAN \$1,500.00, AS
CHARGED IN THE INDICTMENT**
DATE OF OFFENSE: **NOVEMBER 2, 2012**
DEGREE OF OFFENSE: **STATE JAIL FELONY**
STATUTE FOR OFFENSE: **31.03 (e)(4)(D) PENAL CODE**
APPLICABLE PUNISHMENT RANGE: **180 DAYS-2 YEARS IN A STATE
JAIL/\$10,000 FINE MAX**
(Including enhancements if any): **INDICTMENT or INFORMATION**
CHARGING INSTRUMENT: **GUILTY**
PLEA TO OFFENSE: **GUILTY**
TERMS OF PLEA AGREEMENT OR
FINDINGS OF THE COURT, TO WH.
PUNISHMENT IMPOSED PURSUANT
TO SECTION 12.44(a) TEXAS PENAL
CODE: **33 DAYS CONFINEMENT**
PLACE OF CONFINEMENT: **HIDALGO COUNTY ADULT
DETENTION CENTER (COUNTY JAIL)**
FINE: **NONE**
RESTITUTION: **NONE**
CREDIT FOR TIME SPENT IN JAIL: **44 DAYS**
DISMISS: **NONE**
CONSIDER: **NONE**
PLEA TO ENHANCEMENT **NONE**
PARAGRAPH(S):
FINDING TO ENHANCEMENT: **NONE**
FINDING ON DEADLY WEAPON: **NONE**
COURT COSTS: **\$ 279.00**
DATE SENTENCE IMPOSED: **JULY 16, 2014**

On **JULY 16, 2014**, the above numbered and entitled cause was regularly reached and called for trial, and the State appeared by **CREGG THOMPSON**, and the Defendant and the Judgment of Conviction by Court & Sentence, Case No. CR-1815-13-B

Defendant's attorney, **MELINDA DIAZ**, were also present. Thereupon both sides announced ready for trial, and the Defendant, Defendant's attorney, and the State's attorney agreed in open court and in writing to waive a jury in the trial of this cause and to submit it to the Court. The Court consented to the waiver of a jury. The Defendant further waived the reading of the indictment or information, and, upon being asked by the Court as to how the Defendant pleaded, entered a plea of **GUILTY** to the offense of **THEFT OF PROPERTY, IN THE AMOUNT OF LESS THAN \$1,500.00, AS CHARGED IN THE INDICTMENT, STATE JAIL FELONY**. Furthermore, as to the enhancement paragraphs, if any, the Defendant entered a plea of **NONE**.

Thereupon, the Court admonished the Defendant of the range of punishment attached to the offense, that any recommendation of the State is not binding on the Court, that the existence of a plea bargain limits the right of an appeal to only pre-trial matters raised and preserved, and that if the Defendant is not a citizen of the United States of America, a plea of guilty or no contest may result in deportation under federal law; it appeared to the Court that the Defendant was competent to stand trial and was not influenced in making said plea(s) by any consideration of fear or by any persuasion prompting a confession of guilt; and that the Defendant understood the admonitions of the Court and was aware of the consequences of the plea(s); and the Court received the free and voluntary plea(s), which are now entered of record in the minutes of the Court.

The Court then proceeded to hear evidence from the State and the Defendant and, having heard argument of counsel, found there was sufficient evidence to support the Defendant's plea and found the Defendant guilty of the offense of **THEFT OF PROPERTY, IN THE AMOUNT OF LESS THAN \$1,500.00, AS CHARGED IN THE INDICTMENT, STATE JAIL FELONY**, committed on **NOVEMBER 2, 2012**, and made a finding of **NONE** on the enhancement paragraph(s), if any. The Court then assessed punishment pursuant to **SECTION 12.44(a) of the TEXAS PENAL CODE** at **33 DAYS** in the **HIDALGO COUNTY ADULT DETENTION CENTER (COUNTY JAIL), EDINBURG, TEXAS**, and a fine of **NONE**.

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

And thereupon on **JULY 16, 2014**, 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 **THEFT OF PROPERTY, IN THE AMOUNT OF LESS THAN \$1,500.00, AS CHARGED IN THE INDICTMENT, STATE JAIL FELONY**, committed on **NOVEMBER 2, 2012**; that the punishment is fixed at **33 DAYS** in the **HIDALGO COUNTY ADULT DETENTION CENTER (COUNTY JAIL), EDINBURG, TEXAS**, 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.

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 Hidalgo County Adult Detention Center (County Jail) 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 finds that **THERE IS** a plea bargain agreement between the State and the Defendant.

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 the sentence imposed or suspended shall run concurrent unless otherwise specified.

The Court finds that the Defendant shall be credited with **44 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, \$ 279.00 in court costs. The Defendant shall make restitution, if any, within five (5) years after the end of the term of confinement imposed.

Signed on the 16th day of July, 2014.

[Signature]
Judge Presiding

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

[Signature]
Defendant

[Signature]
Community Supervision Officer

NAC

Defendant's right thumbprint

