



CASE No. 13CR3557

COUNT

INCIDENT No./TRN: 9216499060 A001

14 APR -3 AM 10: 23

THE STATE OF TEXAS

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IN THE 10TH JUDICIAL DISTRICT COURT OF GALVESTON COUNTY, TEXAS

v.

RICHARD EARL CHENEY
STATE ID No.: TX05458860

GALVESTON COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: HON. Kerry L. Neves Date Judgment Entered: APRIL 3, 2014

Attorney for State: KATY JO MUNCIE Attorney for Defendant: HOLLY COOPER ROELL

Offense for which Defendant Convicted: THEFT OF PROPERTY < \$1,500 WITH TWO (2) OR MORE PREVIOUS CONVICTIONS

Charging Instrument: INDICTMENT Statute for Offense: 31.03 Penal Code

Date of Offense: DECEMBER 21, 2013

Degree of Offense: STATE JAIL FELONY-sec 12.44(a) PC Plea to Offense: GUILTY Findings on Deadly Weapon: N/A

Terms of Plea Bargain: TWELVE (12) MONTHS COUNTY JAIL

Plea to 1st Enhancement Paragraph: N/A Plea to 2nd Enhancement/Habitual Paragraph: N/A Plea to 3rd Enhancement/Habitual Paragraph: N/A

Findings on 1st Enhancement Paragraph: N/A Findings on 2nd Enhancement/Habitual Paragraph: N/A Findings on 3rd Enhancement/Habitual Paragraph: N/A

Date Sentence Imposed: APRIL 3, 2014 Date Sentence to Commence: APRIL 3, 2014

Punishment and Place of Confinement: TWELVE (12) MONTHS COUNTY JAIL

THIS SENTENCE SHALL RUN CONCURRENTLY.

SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR

Fine: \$ Court Costs: \$ 241.00 Attorney Fees: \$

Restitution: \$ Restitution Payable to: VICTIM (see below) AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62
The age of the victim at the time of the offense was



If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From _____ to _____ From _____ to _____ From _____ to _____

Time From _____ to _____ From _____ to _____ From _____ to _____

Credited: If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

97 DAYS

NOTES: TOWARD INCARCERATION

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in **Galveston County, Texas**. The State appeared by her Criminal District Attorney.

Counsel / Waiver of Counsel (select one)

Defendant appeared in person with Counsel.

Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court **FINDS** Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court **FINDS** the Pre-sentence Investigation, if so ordered, was done according to the applicable provisions of *TEX. CODE CRIM. PROC. art. 42.12 § 9*.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

Confinement in State Jail or Institutional Division. The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, State Jail Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the **Galveston County and Pre-Trial Services**. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution

as ordered by the Court above.

Confinement in State Jail or Institutional Division [BOOT CAMP]. The Court further recommends that the Defendant be placed in the Alternative Incarceration Program (AIP) authorized under Article 42.12 Sec. 8 of the C.C.P. and Section 499.052 Government Code for a period of not less than seventy-five (75) days or more than ninety (90) days. The Court does not retain jurisdiction over the Defendant under Article 42.12 Section 6 of the C.C.P.

County Jail—Confinement / Confinement in Lieu of Payment. The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Galveston County, Texas on the date the sentence is to commence. Defendant shall be confined in the **Galveston County Jail** for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the **Galveston County and Pre-Trial Services**. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

Punishment reduced to a Class “A” Misdemeanor under Article 12.44 (a), Texas Penal Code.

Fine Only Payment. The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Galveston County, Texas **Galveston County and Pre-Trial Services**. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

The Court **ORDERS** Defendant’s sentence **EXECUTED**.

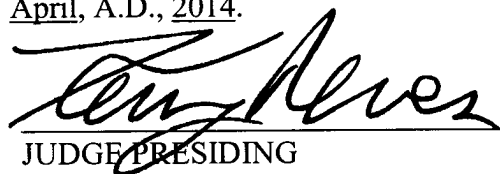
The Court **ORDERS** Defendant’s sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Attachment “A” is attached hereto and incorporated herein for all purposes.

Furthermore, the following special findings or orders apply:

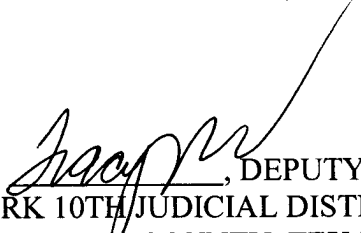
Signed and Entered on this the 3RD day of April, A.D., 2014.



JUDGE PRESIDING
10TH JUDICIAL DISTRICT COURT
GALVESTON COUNTY, TEXAS

A copy furnished to the above named Defendant and noted in the Docket on this the 3RD day of April, A.D., 2014.

**JOHN D. KINARD, DISTRICT CLERK,
GALVESTON COUNTY, TEXAS**

BY:  DEPUTY
CLERK 10TH JUDICIAL DISTRICT COURT
GALVESTON COUNTY, TEXAS



DEFENDANT'S RIGHT THUMBPRINT

ATTACHMENT A

STATE OF TEXAS

VS.

RICHARD EARL CHENEY

CAUSE NO. 13CR3557

- () Pursuant to the Texas Code of Criminal Procedure, the Court finds that the victim(s) of this crime is (are) owed restitution. Such restitution shall be ordered as a condition of parole.

VICTIM: _____

ADDRESS: _____

AMOUNT: \$ _____

- () Pursuant to Article 42.18 8(g), of the Texas Code of Criminal Procedure the Defendant is ordered to pay to the Department of Court Services, 600 59th Street Ste. 1500, Galveston, Texas, 77551, \$ _____ as reimbursement for court appointed attorney fees. Such fees shall be ordered as a condition of parole.
- (X) Pursuant to Article 42.18 8(g) and Article 102.0178, of the Texas Code of Criminal Procedure the Defendant is ordered to pay to the Department of Court Services, 600 59th Street Ste. 1500, Galveston, Texas, 77551, \$ 241.00 for Court Costs. Such costs shall be ordered as a condition of parole.
- () Pursuant to Article 42.18 8(g), of the Texas Code of Criminal Procedure the Defendant is ordered to pay to the Department of Court Services, 600 59th Street Ste. 1500, Galveston, Texas, 77551, \$ _____ as a fine. Such fine shall be ordered as a condition of parole.
- (X) Pay to the G.C.C.S.C.D. \$ 25.00 as a Crime Stoppers Program payment to La Marque Crime Stoppers or Galveston Crime Stoppers. Such repayment shall be ordered as a condition of parole.
- () Pursuant to Article 42.18 8(g), of the Texas Code of Criminal Procedure the Defendant is ordered to pay to the Department of Court Services, 600 59th Street Ste. 1500, Galveston, Texas, 77551, \$ _____ to reimburse the County for extradition costs. Such costs shall be ordered as a condition of parole.
- () Attend and successfully complete a program designed to educate persons on the dangers of drug abuse pursuant to V.T.C.A. Transportation Code, Section 521.374.
- () The Defendant's driver's license will be suspended for 180 days and continue for an indefinite period up and until the Defendant completes the education program pursuant to V.T.C.A. Transportation Code, Section 521.372.
- () The Defendant's driver's license will be suspended for one (1) year.