



No. 2012CR0911      COUNT I  
 INCIDENT NO./TRN: 9111509856

THE STATE OF TEXAS

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§  
§  
§  
§  
§  
§

IN THE 399TH DISTRICT

VS.

COURT

MICHAEL PAUL HARNEY

BEXAR COUNTY, TEXAS

STATE ID No.: TX8950884

**JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL**

Judge Presiding:	HON. RAY OLIVARRI	Date Judgment Entered:	10-22-2013
Appearances:		Attorney for Defendant:	SAUL R ACEVEDO
Attorney for State:	DEREK B HILLEY		
<u>Offense for which Defendant Convicted:</u>			
THEFT \$1500-\$20K-ELDERLY			
<u>Charging Instrument:</u>		<u>Statute for Offense:</u>	
COUNT I OF THE INDICTMENT		31.03 PC	
<u>Date of Offense:</u>			
09-22-2010			
<u>Degree of Offense:</u>		<u>Plea to Offense:</u>	<u>Findings on Deadly Weapon:</u>
3RD		GUILTY	
<u>Terms of Plea Bargain:</u>			
8 YEARS TDCJ-ID; 1500.00 FINE			
<u>Plea to 1<sup>st</sup> Enhancement Paragraph:</u>		<u>Plea to 2<sup>nd</sup> Enhancement/Habitual Paragraph:</u>	
N/A			
<u>Findings on 1<sup>st</sup> Enhancement Paragraph:</u>		<u>Findings on 2<sup>nd</sup> Enhancement/Habitual Paragraph:</u>	
N/A			
<u>Date Sentence Imposed:</u>	10-22-2013	<u>Date Sentence to Commence:</u>	10-22-2013
<u>Punishment and Place of Confinement:</u>			
5 YRS TDCJ-ID AND A FINE OF \$ 1,500.00 IMPRISONMENT (INSTITUTIONAL DIVISION):			
THIS SENTENCE SHALL RUN CONCURRENT WITH 2012CR0912 IN BEXAR COUNTY, TEXAS			
<input type="checkbox"/> SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A			
<u>Fine:</u>	<u>Court Costs:</u>	<u>Restitution:</u>	<u>Restitution Payable to:</u>
\$ 1,500.00	\$ 314.00PLUS ATTY FEES	\$ 0.00	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)
<u>Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62</u>			
<u>The age of the victim at the time of the offense was</u>			
<u>If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.</u>			
	From: 08/03/2013	To: 10/22/2013	
<u>Time Credited:</u>	From:	To:	From: To:
	From:	To:	From: To:
<u>If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.</u>			
NOTES: N/A			

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 Bexar County, Texas. The State appeared by her District Attorney.

COUNTY CLERK BEXAR COUNTY TEXAS



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 Presentence 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, Institutional 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 Bexar County District Clerk. 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.
- County Jail—Confinement / Confinement in Lieu of Payment. The Court ORDERS Defendant immediately committed to the custody of the Sheriff of Bexar County, Texas on the date the sentence is to commence. Defendant shall be confined in the Bexar County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the Bexar County District Clerk. 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.

Execution / Suspension of Sentence (select one)

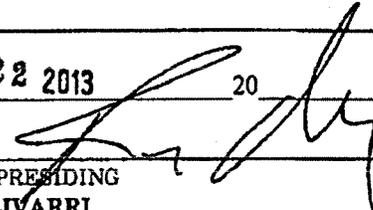
- The Court ORDERS Defendant's sentence EXECUTED.
- The Court ORDERS Defendant's sentence of confinement SUSPENDED. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. 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.

Furthermore, the following special findings or orders apply:  
N/A

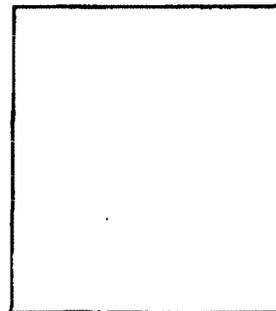
Signed and entered on this \_\_\_\_\_ day of OCT 22 2013

Notice of Appeal: ADVISED

  
\_\_\_\_\_  
JUDGE PRESIDING  
RAY OLIVARRI  
399TH DISTRICT COURT  
BEXAR COUNTY, TEXAS

Clerk: 06948

  
DC2012CR0911



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If the punishment assessed does not exceed the punishment recommended by the prosecuting attorney (plea bargain), the trial court must give its permission to appeal any matter in the case except for those matters raised by written motion filed prior to trial and ruled upon by the Court. If a plea bargain is followed, this Court will not give permission to appeal.

### 3. TRIAL RIGHTS

You have a right to trial by jury, cross examination of witnesses and the right to remain silent.

### 4. CITIZENSHIP

If you are not a U.S. citizen, a plea of guilty or nolo contendere may result in deportation, exclusion from admission to this country or denial of naturalization under federal law. I have been explained these immigration consequences by my attorney.

### 5. DEFERRED ADJUDICATION

If the Court defers adjudicating your guilt and places you under community supervision, on violation of any condition you may be arrested and detained as provided by law. You are then entitled to a hearing limited to a determination by the Court of whether to proceed with an adjudication of guilt on the original charge. If, at such hearing, the Court makes the determination to proceed with an adjudication of guilt on the original charge, you may appeal such determination. After adjudication of guilt, all proceedings including the assessment of punishment and your right to appeal continue as if adjudication of guilt had not been deferred. The Court is also able to assess the full range of punishment.

You are hereby informed that, upon successful completion of deferred adjudication, you have a right to petition the court for an order of nondisclosure under Section 411.081, Government Code, unless you are ineligible because of the nature of the offense for which you are being placed on deferred adjudication or your criminal history.

### 6. SEX OFFENDER REGISTRATION PROGRAM

A plea of GUILTY or NOLO CONTENDERE that results in a conviction or placement on deferred adjudication for an offense under Chapter 62 of the Texas Code of Criminal Procedure will require you to register as a sex offender with local law enforcement officials as required by Chapter 62. You will also be required to report regularly and to obtain or maintain a Texas driver's license or certificate of identification identifying you as a sex offender. Violation of the registration and/or reporting requirements will subject you to additional criminal charges.

### DEFENDANT'S WAIVERS AND AFFIDAVIT OF ADMONITIONS

TO THE HONORABLE JUDGE OF SAID COURT:

I, MICHAEL PAUL HARNEY, the Defendant in this cause, having this day appeared in open court with my counsel and having been duly sworn, represent to the Court that I have received a copy of the indictment or information in this cause, that I fully understand its contents; that I know that I am charged with the felony offense of **THEFT \$1500-\$20K-ELDERLY** and that I waive formal arraignment and the reading of the charging instrument.

I, the Defendant, hereby enter a plea of GUILTY/NOLO CONTENDERE to this charge.

STATION TO GENERAL FOR ENLARGED

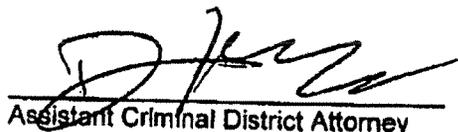


I have counseled with the Defendant in this cause and have concluded that the Defendant has a rational, as well as a factual understanding of both the charge(s) pending and this proceeding. I have explained the law regarding all waivers set forth in this document and am satisfied that in each instance the defendant has voluntarily relinquished a known right. I join in the Defendant's waiver of the right of trial by jury. If applicable, I have explained to my client the requirements and consequences of Chapter 62 of the Texas Code of Criminal Procedure Sex Offender Registration Program.



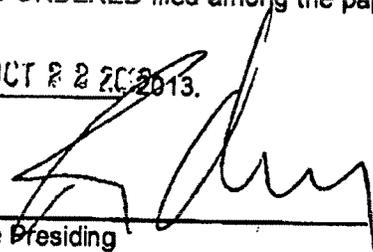
Saul Acevedo  
Attorney for Defendant

I consent to and approve the jury waiver in this case.

  
Assistant Criminal District Attorney

I approve the jury waiver and ORDER it filed in the papers of the cause. It plainly appearing that the Defendant is mentally competent; that his waivers have been entered voluntarily, in full knowledge of his rights; that the admonishments of the Court have been understood by the Defendant; that the Defendant's plea has not been induced by improper persuasion; and that the Defendant persists in his plea. The Defendant's plea is now accepted by the Court and the balance of this document is likewise ORDERED filed among the papers of the cause.

SIGNED and ENTERED this \_\_\_\_\_ day of OCT 2 2013.

  
Judge Presiding  
399th Judicial District

RECEIVED FOR READING

PLEA BARGAIN

I, the undersigned Defendant, together with my counsel and counsel for the State, agree that in exchange for the Defendant's agreement to plead guilty or nolo contendere, to allow the State to prove its case by means of written stipulations. The State may make recommendations regarding punishment; however, it is understood by all that even in the event the parties agree to recommend specific conditions and terms of community supervision or deferred adjudication or the length of supervision that such recommendations are not part of the formal plea agreement and are not binding on the Court. All parties understand and agree that the terms, conditions and length of supervision of community supervision or deferred adjudication are to be determined and assessed solely within the Court's discretion. It is further understood and agreed by the parties that in the event the Court assessed terms, conditions and or a length of supervision of community supervision or deferred adjudication different from those agreed to by the parties, that such difference shall not constitute grounds for setting aside the Defendant's plea in this cause. If the court grants deferred adjudication, the State does not recommend any term of years as part of the plea agreement. All parties agree that if deferred adjudication is subsequently revoked, Defendant may be sentenced to any term of years within the range of punishment provided by law for this offense.

It is mutually agreed and recommended by the parties:

- Prosecution to proceed only on Count(s) 1 Prosecution for lesser included offense of \_\_\_\_\_
- \_\_\_\_ Defendant agrees that he has been previously convicted of one/two or more felonies for enhancement under 12.42 P.C.
- \_\_\_\_ Class A Misdemeanor punishment with State jail Felony Conviction under 12.44 P.C.
- Punishment to be assessed at 5 years
- Fine \$ 1500
- \_\_\_\_ Affirmative Finding of Deadly Weapon or 3G offense, Defendant not eligible for supervision under CCP 42.12, Sec.3
- There is no application for community supervision/deferred adjudication.
- \_\_\_\_ State will make no recommendation of Defendant's deferred adjudication/community supervision application. State reserves right to speak as to factual issues relevant to Defendant's punishment.
- \_\_\_\_ State opposes community supervision/deferred adjudication.
- \_\_\_\_ State recommends community supervision.
- \_\_\_\_ State recommends deferred adjudication.
- \_\_\_\_ Concurrent with: 2012CR0912(Theft \$1500-20K Elderly)
- Causes taken into consideration: 2012CR0913(Theft \$1500-\$20K - Elderly) 2012CR0914(Theft \$1500-\$20K)
- Restitution to be determined by the Court through the Community Supervision office or \$ \_\_\_\_\_
- \_\_\_\_ Payable to victim in this cause number only: \_\_\_\_\_
- Payable to victims under: Kenneth Steelhammer - \$4280.00, Sidney Glenn - \$3750.00, John Weil - \$4710.00 and Joan Hoehle - \$1728.00
- Other: No contact with Kenneth Steelhammer, Sidney Glenn, John Weil and Joan Hoehle as condition of parole and Martena Damm

WAIVER OF APPEAL

I understand that upon my plea of guilty or nolo contendere, where the punishment does not exceed that recommended by the prosecutor and agreed to by me, my right to appeal will be limited to only: (1) those matters that were raised by written motion filed and ruled on before trial, or (2) other matters on which the trial court gives me permission to appeal. I understand that I have this limited right to appeal. However, as part of my plea bargain agreement in this case, I knowingly and voluntarily waive my right to appeal under (1) and (2) in exchange for the prosecutor's recommendation, provided that the punishment assessed by the court does not exceed our agreement. In addition, if and when I am sentenced to the Texas Department of Criminal Justice on this case, I hereby request transfer to said institution.

Michael Gibson  
DEFENDANT

10-22-13  
DATE

[Signature]  
COUNSEL FOR DEFENDANT

The above terms constitute our agreement, and there are no agreements not set forth above. The Defendant and Counsel request the Court to follow the plea bargain.  
[Signature]  
ASSISTANT DISTRICT ATTORNEY

[Signature]  
ATTORNEY FOR DEFENDANT

Michael Gibson  
DEFENDANT

NOTE: The parties are not allowed to make binding agreements regarding the length of community supervision or the terms and conditions of community supervision, which are totally dependent upon the Court's discretion. The following recommendations do not constitute part of the formal plea agreement. However, the (State) (both parties) make the following non-binding recommendations:

- \_\_\_\_ Community Supervision be granted for \_\_\_\_\_ years
- \_\_\_\_ Treatment Alternative to Incarceration Program \_\_\_\_\_ Days in Bexar County Jail or State Jail (circle one)
- \_\_\_\_ Hours Community Service \_\_\_\_\_ Substance abuse treatment facility
- \_\_\_\_ Days Electronic Monitoring \_\_\_\_\_ Zero Tolerance Bootcamp or State Bootcamp Program (circle one)
- \_\_\_\_ No contact with \_\_\_\_\_
- Other Punishment recommendations: \_\_\_\_\_

COPIES TO BE MADE FOR THE COURT



PLEA BARGAIN

I, the undersigned Defendant, together with my counsel and counsel for the State, agree that in exchange for the Defendant's agreement to plead guilty or nolo contendere, to allow the State to prove its case by means of written stipulations. The State may make recommendations regarding punishment; however, it is understood by all that even in the event the parties agree to recommend specific conditions and terms of community supervision or deferred adjudication or the length of supervision that such recommendations are not part of the formal plea agreement and are not binding on the Court. All parties understand and agree that the terms, conditions and length of supervision of community supervision or deferred adjudication are to be determined and assessed solely within the Court's discretion. It is further understood and agreed by the parties that in the event the Court assessed terms, conditions and or a length of supervision of community supervision or deferred adjudication different from those agreed to by the parties, that such difference shall not constitute grounds for setting aside the Defendant's plea in this cause. If the court grants deferred adjudication, the State does not recommend any term of years as part of the plea agreement. All parties agree that if deferred adjudication is subsequently revoked, Defendant may be sentenced to any term of years within the range of punishment provided by law for this offense.

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- \_\_\_\_ State opposes community supervision/deferred adjudication.
- \_\_\_\_ State recommends community supervision.
- \_\_\_\_ State recommends deferred adjudication.
- Concurrent with: 2012CR0911(Theft \$1500-20K Elderly)
- Causes taken into consideration: 2012CR0913(Theft \$1500-\$20K - Elderly) 2012CR0914(Theft \$1500-\$20K)
- Restitution to be determined by the Court through the Community Supervision office or \$ \_\_\_\_\_
- \_\_\_\_ Payable to victim in this cause number only: \_\_\_\_\_
- Payable to victims under: Kenneth Steelhammer - \$4260.00, Sidney Glenn - \$3750.00, John Well - \$4710.00 and Joan Hoshie - \$1726.00
- Other: No contact with Kenneth Steelhammer, Sidney Glenn, John Well and Joan Hoshie, Marlene Dammus

*condition of parole*

WAIVER OF APPEAL

I understand that upon my plea of guilty or nolo contendere, where the punishment does not exceed that recommended by the prosecutor and agreed to by me, my right to appeal will be limited to only: (1) those matters that were raised by written motion filed and ruled on before trial, or (2) other matters on which the trial court gives me permission to appeal. I understand that I have this limited right to appeal. However, as part of my plea bargain agreement in this case, I knowingly and voluntarily waive my right to appeal under (1) and (2) in exchange for the prosecutor's recommendation, provided that the punishment assessed by the court does not exceed our agreement. In addition, if and when I am sentenced to the Texas Department of Criminal Justice on this case, I hereby request transfer to said institution.

[Signature]  
DEFENDANT

10-22-13  
DATE

[Signature]  
COUNSEL FOR DEFENDANT

The above terms constitute our agreement, and there are no agreements not set forth above. The Defendant and Counsel request the Court to follow the plea bargain.

[Signature]  
ASSISTANT DISTRICT ATTORNEY

[Signature]  
ATTORNEY FOR DEFENDANT

[Signature]  
DEFENDANT

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- \_\_\_\_ Days Electronic Monitoring \_\_\_\_\_ Zero Tolerance Bootcamp or State Bootcamp Program (circle one)
- \_\_\_\_ No contact with \_\_\_\_\_

Other Punishment recommendations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORIGINAL COPY FOR DEFENDER



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 Presentence 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, Institutional 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 Bexar County District Clerk. 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.
- County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant immediately committed to the custody of the Sheriff of Bexar County, Texas on the date the sentence is to commence. Defendant shall be confined in the Bexar County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the Bexar County District Clerk. 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.

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.

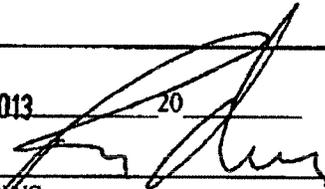
The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

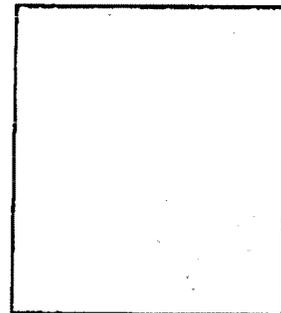
N/A

Signed and entered on this \_\_\_\_\_ day of OCT 22 2013

Notice of Appeal: ADVISED

  
 \_\_\_\_\_  
 JUDGE PRESIDING  
 RAY OLIVARRI  
 399TH DISTRICT COURT  
 BEXAR COUNTY, TEXAS

Clerk: 06948  
  
 DC2012CR0912



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ORIGINAL FOR RECORDS



No. 2012CR0912

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
V.	§	399TH JUDICIAL DISTRICT
MICHAEL PAUL HARNEY	§	BEXAR COUNTY, TEXAS

COURT'S ADMONISHMENT AND  
DEFENDANT'S WAIVERS AND AFFIDAVIT OF ADMONITIONS

COURT'S ADMONISHMENTS:

**OFFENSE: Theft \$1500-\$20000 - Elderly**

**DEGREE: F3**

**STATUTE:**  
(Repeater) (Habitual)

You are admonished that if convicted of a Felony the following applies:

1. RANGE OF PUNISHMENT

All time is served in Texas Department of Criminal Justice.

- 5 years to 99 years or Life: Possible fine up to \$10,000
- 2 years to 20 years: Possible fine up to \$10,000
- 2 years to 10 years: Possible fine up to \$10,000 if the offense occurred on or after September 1, 1994
- 2 years to 10 years: Possible fine up to \$10,000 or up to 1 year in a Community Correction facility (for offenses committed after August 31, 1989 but before September 1, 1994)
- 25 years to 99 years or Life
- Other \_\_\_\_\_

FILED  
O'clock  
OCT 22 2013  
BY *[Signature]*  
CLERK

2. PLEA BARGAINING

A recommendation of the prosecuting attorney as to punishment is not binding on the Court. The Court may accept or reject any plea bargaining agreement made between the State and the Defendant. If the Court rejects the plea agreement, the Defendant shall be permitted to withdraw the plea of guilty/nolo contendere and no statement or other evidence received during such hearing on the plea of guilty/nolo contendere may be admitted against the Defendant on the issue of guilt or punishment in any subsequent criminal proceeding.

FORNIA FOR TUNES AND NEWS

If the punishment assessed does not exceed the punishment recommended by the prosecuting attorney (plea bargain), the trial court must give its permission to appeal any matter in the case except for those matters raised by written motion filed prior to trial and ruled upon by the Court. If a plea bargain is followed, this Court will not give permission to appeal.

3. TRIAL RIGHTS

You have a right to trial by jury, cross examination of witnesses and the right to remain silent.

4. CITIZENSHIP

If you are not a U.S. citizen, a plea of guilty or nolo contendere may result in deportation, exclusion from admission to this country or denial of naturalization under federal law. I have been explained these immigration consequences by my attorney.

5. DEFERRED ADJUDICATION

If the Court defers adjudicating your guilt and places you under community supervision, on violation of any condition you may be arrested and detained as provided by law. You are then entitled to a hearing limited to a determination by the Court of whether to proceed with an adjudication of guilt on the original charge. If, at such hearing, the Court makes the determination to proceed with an adjudication of guilt on the original charge, you may appeal such determination. After adjudication of guilt, all proceedings including the assessment of punishment and your right to appeal continue as if adjudication of guilt had not been deferred. The Court is also able to assess the full range of punishment.

You are hereby informed that, upon successful completion of deferred adjudication, you have a right to petition the court for an order of nondisclosure under Section 411.081, Government Code, unless you are ineligible because of the nature of the offense for which you are being placed on deferred adjudication or your criminal history.

6. SEX OFFENDER REGISTRATION PROGRAM

A plea of GUILTY or NOLO CONTENDERE that results in a conviction or placement on deferred adjudication for an offense under Chapter 62 of the Texas Code of Criminal Procedure will require you to register as a sex offender with local law enforcement officials as required by Chapter 62. You will also be required to report regularly and to obtain or maintain a Texas driver's license or certificate of identification identifying you as a sex offender. Violation of the registration and/or reporting requirements will subject you to additional criminal charges.

DEFENDANT'S WAIVERS AND AFFIDAVIT OF ADMONITIONS

TO THE HONORABLE JUDGE OF SAID COURT:

I, MICHAEL PAUL HARNEY, the Defendant in this cause, having this day appeared in open court with my counsel and having been duly sworn, represent to the Court that I have received a copy of the indictment or information in this cause, that I fully understand its contents; that I know that I am charged with the felony offense of and that I waive formal arraignment and the reading of the charging instrument.

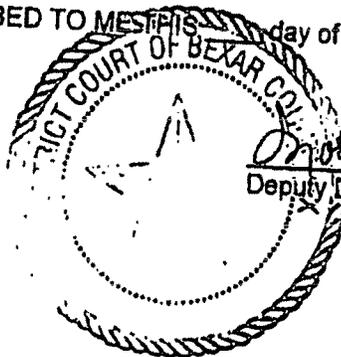
I, the Defendant, hereby enter a plea of GUILTY/NOLO CONTENDERE to this charge.

RECEIVED FOR THE COURT

1. I have had my Constitutional and legal rights explained to me by my attorney, and have decided to waive my Constitutional right of trial by jury and enter this plea before the judge. I hereby request the consent and approval of the State's Attorney and of the Court to my waiver of trial by jury. I further represent to the Court as follows:
2. I am mentally competent now and was legally sane at the time that this offense was committed.
3. I have not been threatened, coerced or placed in fear by any person to induce me to enter my plea.
4. If I have a plea bargain agreement with the prosecutor, its terms are fully set forth in the attached document. I have received no promise from the prosecutor, my attorney or the Court which are not set forth in that document, and I realize that no one else would be empowered to make me any promises.
5. If I am pleading GUILTY, it is because I am guilty, and for no other reason. If my plea is one of NOLO CONTENDERE, it is because I have considered all aspects of my legal situation and discussed them with my attorney and have determined that the entry of such plea is in my own best interest.
6. If applicable, my attorney has explained to me the requirements and consequences of Chapter 62 of the Texas Code of Criminal Procedure Sex Offender Registration Program.
7. I understand the Courts admonishments as contained in this waiver.
8. I am satisfied with the advice and representation of my attorney in this case.
9. I have been explained my immigration consequences by my attorney.

*Michael Paul Harney*  
 MICHAEL PAUL HARNEY  
 Defendant

SWORN TO AND SUBSCRIBED TO ME THIS 22 day of OCT 22 2013.



*[Signature]*  
 Deputy District Clerk

10-22-13 10:00 AM

No. 2012CR0912

I have counseled with the Defendant in this cause and have concluded that the Defendant has a rational, as well as a factual understanding of both the charge(s) pending and this proceeding. I have explained the law regarding all waivers set forth in this document and am satisfied that in each instance the defendant has voluntarily relinquished a known right. I join in the Defendant's waiver of the right of trial by jury. If applicable, I have explained to my client the requirements and consequences of Chapter 62 of the Texas Code of Criminal Procedure Sex Offender Registration Program.



Saul Acevedo  
Attorney for Defendant

I consent to and approve the jury waiver in this case.

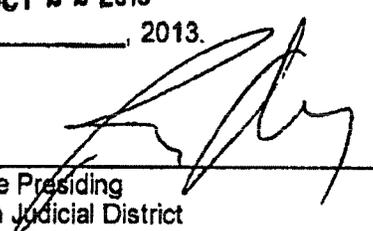


Assistant Criminal District Attorney

I approve the jury waiver and ORDER it filed in the papers of the cause. It plainly appearing that the Defendant is mentally competent; that his waivers have been entered voluntarily, in full knowledge of his rights; that the admonishments of the Court have been understood by the Defendant; that the Defendant's plea has not been induced by improper persuasion; and that the Defendant persists in his plea. The Defendant's plea is now accepted by the Court and the balance of this document is likewise ORDERED filed among the papers of the cause.

OCT 2 2 2013

SIGNED and ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.



Judge Presiding  
399th Judicial District

FORWARDED TO CLERK OF COURT

CAUSE NO: 2012CR0913  
OFFENSE: Theft 1500-2000 Elderly



THE STATE OF TEXAS § IN THE 394 DISTRICT COURT  
v. § COUNTY COURT NO. \_\_\_\_\_  
Paul Marney § BEXAR COUNTY, TEXAS

MOTION TO DISMISS

CRT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES SUSAN D. REED, Criminal District Attorney of Bexar County, Texas by and through the undersigned Assistant Criminal District Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action for the following reason:

- 0604 - The Defendant was convicted in another case or count.
- 0606 - The Defendant is in custody in another jurisdiction.
- 0608 - Old case, no arrest.
- 0609 - The Defendant was granted immunity.
- 0610 - Motion to suppress granted.
- 0611 - Insufficient evidence.
- 0612 - Co-Defendant convicted, insufficient evidence as to this Defendant.
- 0614 - A necessary and material witness is missing.
- 0615 - Other.
- 0617 - Case re-Indicted/re-filed.
- 0626 - The law enforcement agency failed to submit necessary evidence.
- 0629 - Complainant requested case be dismissed.
- 0630 - The Defendant died.

EXPLANATION:

2012CR0911

WHEREFORE, PREMISES CONSIDERED on this the 22 day of Oct, 2013, it is requested that the above entitled cause be dismissed.

Respectfully submitted,

[Signature]  
Assistant Criminal District Attorney  
Bexar County, Texas

24056770  
State Bar Number

RECEIVED  
O'CLOCK \_\_\_\_\_ M  
OCT 22 2013  
DONNA KIEL  
District Clerk, Bexar County, Texas  
[Signature]  
DEPUTY

ORDER

The foregoing motion having been presented to me on this the 22 day of Oct, 2013 and the same having been considered, it is ORDERED, ADJUDGED AND DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

[Signature]  
Presiding Judge  
Bexar County, Texas

CONFIDENTIAL FOR COURT USE ONLY

CAUSE NO: 2012 CR 0924  
OFFENSE: Theft 1500-20K Elderly



THE STATE OF TEXAS

§

IN THE 399 DISTRICT COURT

v.

§

COUNTY COURT NO. \_\_\_\_\_

Paul Harvey

§

BEXAR COUNTY, TEXAS

MOTION TO DISMISS

180

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES SUSAN D. REED, Criminal District Attorney of Bexar County, Texas by and through the undersigned Assistant Criminal District Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action for the following reason:

- 0604 - The Defendant was convicted in another case or count.
- 0606 - The Defendant is in custody in another jurisdiction.
- 0608 - Old case, no arrest.
- 0609 - The Defendant was granted immunity.
- 0610 - Motion to suppress granted.
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- 0615 - Other.
- 0617 - Case re-indicted/re-filled.
- 0626 - The law enforcement agency failed to submit necessary evidence.
- 0629 - Complainant requested case be dismissed.
- 0630 - The Defendant died.

EXPLANATION:

2012 CR 0911

WHEREFORE, PREMISES CONSIDERED on this the 22 day of Oct, 2013, it is requested that the above entitled cause be dismissed.

Respectfully submitted,

[Signature]  
Assistant Criminal District Attorney  
Bexar County, Texas

.24056770  
State Bar Number

[Stamp]  
OCT 22 2013  
District  
[Signature]

ORDER

The foregoing motion having been presented to me on this the 22 day of Oct, 2013, and the same having been considered, it is ORDERED, ADJUDGED AND DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

[Signature]  
Presiding Judge  
Bexar County, Texas

COPIES TO BE MADE FOR W-1190-1