

CASE NO. 06-CR-4248-A COUNT SINGLE
INCIDENT NO./TRN: 9089370730

THE STATE OF TEXAS § IN THE 28TH DISTRICT
v. § COURT
WILLIAM N. KIRSHNER § NUECES COUNTY, TEXAS
STATE ID No.: TX04873293 §

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. NANETTE HASETTE	Date Judgment Entered:	11/16/2009
Attorney for State:	ANGELA D. COLE NANCY S. ELMILADY	Attorney for Defendant:	GENE GARCIA
Offense for which Defendant Convicted:			
THEFT			
Charging Instrument:		Statute for Offense:	
INDICTMENT		TEXAS PENAL CODE SECTION 31.03	
Date of Offense:			
12/18/2001 - 8/5/2005			
Degree of Offense:		Plea to Offense:	Findings on Deadly Weapon:
2ND DEGREE FELONY		GUILTY	N/A
Terms of Plea Bargain:			
SEE ATTACHED COPY OF PLEA AGREEMENT			
Plea to 1st Enhancement Paragraph:		Plea to 2nd Enhancement/Habitual Paragraph:	
N/A		N/A	
Findings on 1st Enhancement Paragraph:		Findings on 2nd Enhancement/Habitual Paragraph:	
N/A		N/A	
Date Sentence Imposed:		Date Sentence to Commence:	
11/16/2009		11/16/2009	
Punishment and Place of Confinement:			
FIVE (5) YEARS INSTITUTIONAL DIVISION, TDCJ			
<input checked="" type="checkbox"/> SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR TWO (2) YEARS .			

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$ N/A	\$ 2,260.00	\$ 10,300.00	<input checked="" type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)
Billy Ruzicka \$ 7,000.00 Jimmy Guerra \$ 500.00 John C. Hogue \$ 500.00 Eva Marruffin \$ 1,000.00 Javier Gonzalez \$ 500.00 William Green \$ 500.00 H. Edward Foelker \$ 100.00 Cecil Cotton \$ 200.00 (see below for victim's address)			

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 N/A

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

Time Credited:	From	to	From	to	From	to

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

DAYS NOTES:

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

Counsel / Waiver of Counsel (select one)

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 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 Parole Division, TDCJ. 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 County, Texas on the date the sentence is to commence. Defendant shall be confined in the County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the Office of the 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.
- 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 County District Clerk. 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.

Restitution payable to the following victims:

Billy Kuzicka
9817 Compton
Corpus Christi, Texas 78418

Xavier Gonzalez
5818 Beauvais
Corpus Christi, Texas 78414

Jimmy Guerra
7546 Annemasse
Corpus Christi, Texas 78414

William Green
4525 Ammer Lake Drive
Corpus Christi, Texas 78413

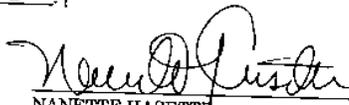
John C. Hogus
259 Starfish
Corpus Christi, Texas 78418

H. Edward Foelker
6410 Meadow Vista #302
Corpus Christi, Texas 78414

Eva Muarruffo
1113 Stonegate
Alice, Texas 78332

Cecil Cotton
101 N. Upper Broadway
Corpus Christi, Texas 78401

Signed and entered on Nov 23, 2009


NANETTE HASETTE
JUDGE PRESIDING

CAUSE NO. 06-CR-4248-A

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
VS	§	28 TH JUDICIAL DISTRICT
WILLIAM N. KIRSHNER	§	NUECES COUNTY, TEXAS

<u>VICTIM</u>	<u>ADDRESS</u>	<u>RESTITUTION AMOUNT</u>
Ruzicka, Billy	9817 Compton Corpus Christi, TX 78418	\$7,000.00
Guerra, Jimmy	7546 Annemasse Corpus Christi, TX 78414	\$500.00
Hogue, John C.	259 Starfish Corpus Christi, TX 78418	\$500.00
Maruffo, Eva	1113 Stonegate Alice, TX 78332	\$1,000.00
Gonzalez, Javier	5818 Beauvais Drive Corpus Christi, TX 78414	\$500.00
Green, William	4525 Ammer Lake Drive Corpus Christi, TX 78413	\$500.00
Foelker, H. Edward	6410 Meadow Vista, #302 Corpus Christi, TX 78414	\$100.00
Cotton, Cecil A.	101 N. Upper Broadway Corpus Christi, TX 78401	<u>\$200.00</u>
	TOTAL	\$10,300.00

THE STATE OF TEXAS VS. William N. Kirshner
IN THE 28th DISTRICT COURT, NUECES COUNTY, TEXAS

PLEA AGREEMENT

The defendant, William N. Kirshner, who is charged by information /

indictment in this case with the offense of Theft ≥100K <200K agrees:

- to plead guilty/nolo contendere to the offense of Theft ≥100K <200K.
- to waive all pretrial motions on file.
- to waive his/her right against self incrimination and make a written/oral judicial confession under oath.
- to be punished as recommended by the State.
- to make restitution to the victim, (See attached list) in the amount of \$ 10,300 w/ note
- to pay \$100.00 to the Women's Shelter of South Texas. Nov 18, 2011, 1:30p

pc
ac

In consideration of the defendant's plea of guilty/nolo contendere, the State agrees:

- to recommend to the Court that punishment be assessed at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of 5 years.
- to recommend to the Court that punishment be assessed at confinement in the Nueces County Jail for a term of _____ months/days.
- to recommend to the Court that punishment be assessed at confinement in a State Jail Facility for a term of _____ days/months/years.
- to recommend to the Court that the Defendant be ordered to pay restitution to the Texas Department of Public Safety for the cost of drug analysis in the amount of \$140.00.
- to recommend to the Court that the Defendant be punished by a fine of \$ _____.
- to recommend to the Court that the fine of \$ _____ be suspended.
- to recommend to the Court that the confinement be suspended and that the terms of community supervision be for a period of 2 months/years.
- to recommend that the Court defer adjudication of guilt and place the Defendant on community supervision for _____ months/years.
- to recommend to the Court that as a condition of community supervision, that Defendant be ordered to: _____
- to recommend that the sentence in this case run concurrent/consecutive with the sentence(s) imposed in: _____



- to make no recommendation as to whether this sentence should run concurrent/consecutive with any other sentence.
- to prosecute on the lesser-included offense of: _____
- to dismiss the portion of the enhancement paragraph in the indictment alleging the following conditions:

- to dismiss the following unadjudicated charges pending against the defendant: _____
- to recommend to the Court that defendant be punished under Penal Code Section 12.44.
- to consent to the Court's consideration of the following unadjudicated offenses in determining punishment as permitted under Penal Code Section 12.45: _____
- to make no recommendation on punishment.

Other agreements: Enter into an Agreed Cease & Desist Order
with the Texas State Securities Board

Attorney for the defendant approves the agreements made by the State and the Defendant.

The defendant understands the following: (1) that should the Court reject this agreement, he shall be permitted to withdraw his plea of guilty or nolo contendere, and neither the fact that he had entered the plea nor any statements made by him at the hearing on the plea may be used against the defendant on the issue of guilty or punishment in any future criminal proceeding; (2) that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and his attorney, he cannot appeal his conviction without permission of the Court for nonjurisdictional defects or errors that occurred before entry of the plea; (3) and that he may appeal his conviction only on matters raised by written motion and ruled on before trial.

William M. Kishner
DEFENDANT

[Signature]
DEFENSE ATTORNEY

Angela Cole
PROSECUTOR