

THE STATE OF TEXAS

v.

TRACY SPAETH

STATE ID No.: TX 50372225

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IN THE 364<sup>TH</sup> DISTRICT

COURT

LUBBOCK COUNTY, TEXAS

Barbara  
2014 DEC -5 AM 9:13  
FILED FOR RECORD  
DISTRICT CLERK LUBBOCK COUNTY TEXAS

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

Judge Presiding: **HON. BRADLEY S. UNDERWOOD** Date Judgment Entered: **12.4.14**

Attorney for State: **SEAN LONG** Attorney for Defendant: **MICHAEL UHL**

Offense for which Defendant Convicted: **SECURITIES WITH OUT REGISTRATION**

Charging Instrument: **INDICTMENT** Statute for Offense: **§ 581-29(B)**

Date of Offense: **MAY 30, 2013**

Degree of Offense: **3<sup>RD</sup> DEGREE FELONY** Plea to Offense: **NOLO-CONTENDERE** Findings on Deadly Weapon: **N/A**

Terms of Plea Bargain: **TEN (10) YEARS TDCJ-ID, PROBATED EIGHT (8) YEARS**

Plea to 1<sup>st</sup> Enhancement Paragraph: **N/A** Plea to 2<sup>nd</sup> Enhancement/Habitual Paragraph: **N/A**

Findings on 1<sup>st</sup> Enhancement Paragraph: **N/A** Findings on 2<sup>nd</sup> Enhancement/Habitual Paragraph: **N/A**

Date Sentence Imposed/to Commence: **12.4.14**

Punishment and Place of Confinement: **TEN (10) YEARS TDCJ-ID**

**THIS SENTENCE SHALL RUN CONCURRENT**

**SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR EIGHT (8) YEARS.**

Fine: **\$ 0** Court Costs: **\$ 224.00** Restitution: **\$ 0** Restitution Payable to:  VICTIM (see below)  AGENCY/AGENT (see below)

Attachment A, Order to Withdraw Funds, is incorporated into this judgment and made a part hereof.

Sex Offender Registration Requirements  Apply  Does 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**. The requirements set out in this judgment in no way alter previous registration requirements for this Defendant, if any.

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

From \_\_\_\_\_ to \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_

Time Credited: From \_\_\_\_\_ to \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_

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

**TOTAL 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 Lubbock County, Texas. The State appeared by her 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 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. United States District Court for the District of Texas, Lubbock Division.

evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of the 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 TDCJ-ID. 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 Lubbock County Judicial Compliance Department. 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 Lubbock County, Texas on the date the sentence is to commence. Defendant shall be confined in the Lubbock County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the Lubbock County Judicial Compliance Department. 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 Lubbock County Judicial Compliance Department. 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.

**Furthermore, the following special findings or orders apply:**

Court Costs	\$ <u>224<sup>00</sup></u>	APO Fee	\$60.00
Attorney Fee	\$ <u>0</u>	Payment Start Date	JANUARY 21, 2015

An additional fee of \$25 is due if Court Costs not paid within 31 days of this judgment.

Dismissals: COUNTS I, III, IV, V OF CAUSE NO. 2013-400,253

The Defendant shall submit a blood sample or other specimen, such as a Buccal swab, within one week of sentencing, to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record.

The Defendant is not to contact Victim or Victim's family, either directly or indirectly, or by any other means. Further, the defendant is not to come within 100 yards of Victim or Victim's family, their place of residence, school or place of employment.

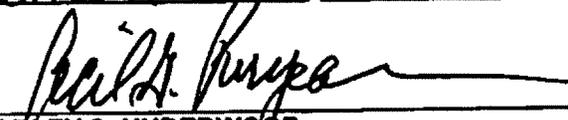
The Defendant waives any and all interest in any property seized in connection with this case, cash or property (real or personal, tangible or intangible) which is the subject of any civil forfeiture action.

IT IS FURTHER ORDERED that the imposition of the sentence of confinement be suspended and that any fine imposed be paid in the manner set out below and the Defendant, TRACY SPAETH, is hereby placed on Community Supervision for a period of EIGHT (8) YEARS under the terms and conditions of the Community Supervision Law of the State of Texas, upon the following terms and conditions:

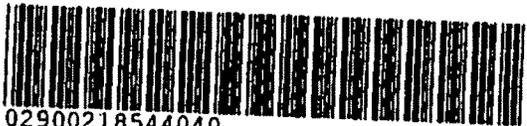
- (a) Commit no offense against the laws of this or any other State or the United States;
- (b) Avoid injurious or vicious habits;
- (c) Avoid persons or places of disreputable or harmful character;
- (d) Report to the Supervision Officer as directed. Defendant is paroled to the Director of Lubbock Community Supervision, or his designees; Defendant shall report this day in person, and thereafter as directed by the Supervision Officer but at least once every month, in writing, on or before the 21<sup>st</sup> day of each month hereafter, and each of said days ordered to report is a separate condition of this community supervision;
- (e) Permit the Supervision Officer to visit him at his home or elsewhere;

- (f) Work faithfully at suitable employment as far as possible;
- (g) Remain within Lubbock County, Texas unless the Court consents in writing to a change of residence;
- (h) Support all his dependents;
- (i) Report any change of address to the community supervision office of Lubbock County, Texas, in writing, within 24 hours;
- (j) Memorize the terms and conditions of this community supervision;
- (k) Make the following payments to the Supervision Officer of Lubbock County, Texas beginning **JANUARY 21, 2015**: the payment of each installment ordered is a separate condition of this community supervision;
  - 1) Community Supervision fee of **\$60.00** per month;
- (l) The Defendant will report to the Community Supervision Office of Lubbock County, Texas at 8:30 a.m. and 1:00 p.m. Monday through Friday when not gainfully employed;
- (m) Defendant shall submit a non-dilute urine specimen, or any other specimen, requested to be tested for alcohol, narcotics or dangerous drugs whenever instructed by the Court or the supervision officer. Such tests are **to be paid for by the defendant**;
- (n) Defendant must complete **160 hours** of Community Service at the direction of the Community Supervision Office. Twenty (20) hours are mandatory at 4 hours per month (beginning next month). The remaining are to be imposed at the Community Supervision Office's discretion;
- (o) Defendant shall be evaluated to determine his/her educational skill level. If the defendant's educational level is found to be less than the average skill of students who have completed the sixth grade in this State, the defendant shall enroll in classes for the purpose of achieving the required skill level. If it is determined that the defendant does not have the intellectual capacity to achieve the required level than he/she will no longer be required to attend the said classes. **If the Defendant has not completed his/her high school education, he/she will either take the courses necessary to complete his/her high school education or achieve a General Equivalency Degree (GED)**;
- (p) Defendant shall attend and complete any drug, alcohol, or any other program as directed and deemed necessary by the Supervision Officer;
- (q) Defendant shall maintain total abstinence from the use or possession of alcoholic beverages and any narcotics, **substances not meant for human consumption**, or dangerous drugs not prescribed by a physician and cooperate fully with the Community Supervision Officer and any other agency contracted therewith to achieve rehabilitation of said Offender;
- (r) Defendant shall not enter any store, bar, club, restaurant, or any other business which has as a primary source of its income the sale of alcoholic beverages;
- (s) A curfew will be imposed between the hours of 11:00 P.M. and 6:00 A.M.; Defendant will be at home or at a Community based facility each night and remain there unless his work requires him to be elsewhere;
- (t) If a Probationer desires to leave the State of Texas, the probationer shall deposit cash in an amount sufficient to cover any costs of extraditing probationer back to the State of Texas. Said cash must be deposited with the Lubbock County Treasurer's Office before any transfer is authorized and shall be returned to probationer upon termination of supervision or return of supervision to the State of Texas. This money will be used only for the purpose of extraditing probationer back to Texas, should extradition become necessary, unless otherwise agreed upon by the probation and the Lubbock County Community Supervision and Corrections Department;
- (u) Defendant shall surrender any and all active licenses to sell/broker Securities and/or Insurance;
- (v) Write in Defendant's own hand and send at Defendant's expense, a letter of apology to: **Chris Breunig; Elmer and Martha Williams; W.H. Nelson and Laene Nelson**, the victim in this case, within 10 days of this judgment being entered, sending a copy to this Court and to the Community Supervision Office;

Signed and entered on this the 14<sup>th</sup> day of December, 2014.

x   
 BRADLEY S. UNDERWOOD  
 JUDGE PRESIDING

Bradley S. Underwood Senior Judge



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GCPB - G/P COURT-PROBATION

Case No: 2013400253